THE

Parliamentary Regiſter;

OR

HISTORY

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The moſt intereſting SPEECHES and MOTIONS; accurate Copies of the moſt remarkable LETTERS and PAPERS; of the moſt material EVIDENCE, PETITIONS, &c. laid before and offered to the HOUSE,

DURING THE

FOURTH SESSION of the SEVENTEENTH PARLIAMENT

OF

GREAT BRITAIN.

VOL. XXXVIII.

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IN THE

HOUSE OF COMMONS.

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THE

HISTORY



OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF COMMONS,

In the FOURTH SESSION of the

Seventeenth Parliament of GREAT BRITAIN,

Appointed to be holden at WESTMINSTER,

On THURSDAY, the 25th of NOVEMBER, 1790.

Monday, 31st March.

MR. Secretary DUNDAS faid, that certain accounts neceffary to be referred to in his ftatement of the affairs of India were not yet ready, and therefore he fhould propofe that the bufinefs he intended to bring forward to-day, fhould be poftponed to Friday next. He therefore moved, "That the Houfe fhould refolve itfelf into a Committee of the whole Houfe, on Friday next, to confider of the feveral accounts and papers prefented by the Eaft-India Company to the Houfe." Ordered. He then moved for feveral further India accounts, which were all ordered to be laid before the Houfe.

Mr. STANLEY brought in a bill for explaining and amending the 31ft of His prefent Majefty, as far as relates to the relieving of certain perfons therein defcribed, profeffing the Popifh religion, and who are defirous of practifing as Attornies and Solicitors. Read a firft, and ordered to be read a fecond time.

Mr. Secretary DUNDAS moved for leave to bring in a bill to enable His Majefty to eftablifh a Court of Judicature in Norfolk Ifland, in New South Wales. Granted.

Mr. HOBART brought up the report of the Committee of Supply, containing, among others, a resolution that the sum of 300,115l. be granted to His Majesty for seven regiments of defensive cavalry, &c. The resolutions were read, agreed to, and bills were ordered to be brought in, in pursuance of them. Mr. Hobart brought up the report of the Committee of Ways and Means, containing a resolution that 740,666l. 13s. 6d. be raised by way of lottery, which is to consist of 40,000 tickets, at 18l. 10s. 4d. each, stating the instalments by which the purchasers of tickets are to make good their payments, &c. The resolution being read,

Mr. TAYLOR begged the Chancellor of the Exchequer's attention for a moment. When the right honourable gentleman introduced the lottery this year, he stated to the House, that he had reason to believe, the evil of insurance, was in a great measure done away by the last regulation. This was erroneous; he did not mean to charge the Minister with having attempted to impose on the House; he must have been misinformed. Mr. Taylor said he had since made inquiry respecting that subject, the result of which was, that he found the evil was in no shape done away or diminished. After he came into the House to-day, he was met by an honourable Alderman of the City of London (who was not now in the House,) who stated to him his observation coinciding with his own. He had, he said, conversation with several others, and they all confirmed what he had already said with regard to the lottery; if the Minister made further inquiry, he would find he had been wrongly informed on this subject. He should not now oppose the lottery, because the bargin was made; but he begged it now to be understood, that if the Minister should propose a lottery in the ensuing session of Parliament, he should oppose that measure, and take the sense of the House upon it. If this tax had been given notice of a week ago, he should have opposed it, but under all the circumstances of the present case, he should not oppose it. He should oppose the next, if brought forward, both when opened in the Committee of Ways and Means, and also when it should be afterwards brought before the House. The resolution was then read a second time, agreed to, and a bill ordered to be brought in pursuant to it.

Mr. Chancellor PITT moved, that the order of the day, for going into a Committee of the whole House on the bill for providing regulations with respect to such men as shall voluntarily enroll themselves for the internal defence of the country, be read; which being done,

Mr. HONEYWOOD adverted to what had passed the other day, on the subject of subscriptions for raising troops; he said, that

having given his opinion on that subject, it was unnecessary for him to repeat it; he felt great difficulty on it, until the message came regularly from the Throne to that House; but after the address was carried, he felt himself in some degree relieved, and he attended a meeting of his constituents, convened by the Sheriff of the county of Kent. Upon the proceedings on that occasion, he was put under a new difficulty, and that upon a point in which the liberty of the people of this country was materially concerned. He meant the manner in which accounts of the proceedings were to be published. The Sheriff had signed two accounts of these proceedings, at least the Sheriff's authority was stated to two accounts. In the County Paper, his (Mr. Honeywood's) name stood to a resolution, to which he never agreed, which the Sheriff never put, or if he did, it was after he (Mr. Honeywood) had left the room. In the Morning Papers, it appeared the requisition of the Sheriff. But as the resolution he before alluded to bore his name, and he had never signed it, agreed to it, nor even heard it put, he felt himself so concerned, as to render it necessary for him to make this public declaration, that his sentiments on this public business should not be misunderstood. The resolution, with his name to it, and which he disclaimed, appeared as a request of the Lord Lieutenant of the county, to allow other county plans to be entered into. He agreed to nothing of such a nature. The practice of sending from the Secretary of State a requisition to the Lord Lieutenant, to be from him recommended or communicated to the Grand Jury, for the purpose of raising any men, without the consent of Parliament, was what he thought unconstitutional and dangerous, and what it concerned him to disclaim. He did not mean to accuse the Sheriff of having done intentionally any thing that was wrong. Country gentlemen were not men of business in general, and in the hurry of it might make mistakes. But he must explain for himself, for this was a resolution he never would have acceded to. Having said this, he must observe, that the measure now before the House had his concurrence, as a matter of necessity. It was necessary for the safety of the country. This country was in a lamentable situation, and sorry he was to see it: he would do every thing in his power to support it, and to remove the difficulty if possible; but, in doing so, he must take care that he did not pass the limits of the Constitution itself. He thought he knew the value of that Constitution; and he must say, that, after all he had heard on the subject, it appeared to him, that the most dangerous prerogative the King of this country could ever possess, was that of raising troops by subscription, as some proposed, without the consent of Parliament. Even the idea of the bill now before the

Houſe could not be entertained for a day under any excuſe but the moſt preſſing neceſſity.

Mr. Chancellor PITT ſaid, that the principle of the ſubject now before the Houſe, had been fully diſcuſſed on a former occaſion; but he muſt ſtate to the Houſe, that as different gentlemen had ſuggeſted ſeveral points to him, which he was not ready to lay before the Houſe fully, it might be proper that the Committee on the bill might be poſtponed till to-morrow.

Mr. TAYLOR ſaid, he did not underſtand that the Houſe had come to any determination, or to any thing like a determination, that the raiſing of troops by ſubſcription, was legal or conſtitutional. He could not think the previous queſtion was a negative to a propoſition. He wiſhed the Houſe to underſtand, and the people of this country to underſtand, that the Houſe of Commons had given no opinion upon the ſubject of raiſing troops by ſubſcription.

Mr. Chancellor PITT ſaid, he conceived that the Houſe had thought it proper not to come to the queſtion.

Mr. TAYLOR ſaid, juſt ſo; but the Houſe had not ſaid that the raiſing men without the conſent of Parliament, was legal or conſtitutional.

The Houſe then agreed to go into a Committee of the whole Houſe on this bill to-morrow.

Mr. SHERIDAN roſe to move for papers which appeared to him, he ſaid, ſo much of courſe to grant, that it would not be poſſible reaſonably to object to their being laid before the Houſe. Had he entertained any doubt on that ſubject, he ſhould of courſe have given notice of his intention to move for them. He would however aſſign a reaſon for moving for theſe papers. It was becauſe a learned gentleman, in the courſe of the debate on Friday night, had quoted extracts from them, and laid a conſiderable ſtreſs on theſe partial parts, in order to prove, as he ſaid, that a ſubſcription for raiſing troops had been thought of by Adminiſtration in the year 1782 He therefore moved, "That an humble addreſs be preſented to His Majeſty, humbly praying, he will be pleaſed to give directions for laying before the Houſe, copies of all the anſwers received by His Majeſty's Secretary of State, to the circular letter written by the Earl of Shelburne, containing plans for raiſing voluntary corps for the internal defence of the kingdom for the year 1782."

Mr. Chancellor PITT ſaid, that the ſame motion was made in the year 1782, and oppoſed by the right honourable gentleman, (Mr. Fox,) who was then Secretary of State, and when the honourable gentleman who made this motion was himſelf in an official ſituation in the Government of this country. The Houſe had then

thought fit to refuse these very papers: for the sake of the consistency of the journals, therefore, he was desirous it should not appear that papers which had been refused when the subject was in agitation, should be granted when they became merely matter of history. He desired the Journals to be read, which being done, it appeared that a motion was made for those papers on the 11th of June, on which a debate arose, and the House divided, when the motion passed in the negative, their being 68 against 22.

Mr. GREY thought there might be good reason for refusing at that time, because the answers might expose the weakness, perhaps, of some parts of the country, and therefore it might be prudent at that time to refuse to grant them. But we were under no such circumstances as to these papers at this time.

Mr. FRANCIS said, that the objection to producing the papers, viz. that it would create an inconsistency in the proceedings of the House, was very unfit to be urged by those persons, who had, in fact, produced some of the papers in question; who had garbled them for their own purposes; who had read them, and commented upon them in their speeches. That such a mode of producing papers, and the use made of them, was most unfair and unparliamentary. If Ministers were at liberty to quote such papers, and to argue from them, they were bound to produce them, that others might have the same advantage. It was an absurdity and a contradiction, that documents, which, in fact, had been partially quoted, and relied on, were not fit to be produced entire.

Mr. SHERIDAN ridiculed, as an affected regard for consistency, in order to conceal an evident subterfuge, the Chancellor of the Exchequer's present declaration for consistency. The real esteem he had for that merit was evident in the manner he refused on one day, and agreed the next, to receive the petition of Mr. Palmer; and to refuse, and grant, the Secretary of State's circular letter to the Lord Lieutenants. The truth was, that this was a scheme of the Minister to make a false impression on some part of the House, and as many as he could of the Public. The Attorney General was to come forward with garbled accounts, and partial extracts of returns to Lord Shelburne's letter in 1782, and from these to argue that subscriptions had been generally agreed upon for supporting the Executive Power in the year 1782. This was so unworthy an attempt, that he must take the sense of the House upon it; and he had farther to say, that, if defeated now, he should bring this subject forward again in a more formal shape.

The House divided,

For the motion, 18. Against it, 86.

The House adjourned.

Tuefday, 1ft April.

Mr. HARRISON gave notice that on Tuefday next he fhould move for leave to bring in a bill for appropriating certain emoluments, penfions, and finecure places for the fervice of the Public, according to the difpofition of Parliament during the prefent war: he meant to include in this regulation certain efficient places to a certain amount, and of a certain defcription, as well as finecures.

Mr. BURKE faid he hoped we fhould have fome other efficient refources for carrying on the war.

Mr. Chancellor PITT moved the order of the day, for the Houfe to refolve itfelf into a Committee of the whole Houfe, on the bill for the encouragement of fuch men as fhall voluntarily enrol themfelves for the general defence of the kingdom during the prefent war.

Mr. FRANCIS afked, whether, fuppofing the bill fhould pafs, and the *fervice* propofed, fhould thereby receive the fanction of Parliament, it was meant and underftood by thofe, who brought in the bill, that the mode of providing for the *expence* of that fervice, viz. by a private fubfcription, would be virtually included in that fanction, and authorifed by Parliament, without any fpecific mention of it?

Mr. Chancellor PITT faid, there was no declaration in this bill on the fubject; but he had no difficulty in faying, that when the corps was enlifted, he had no doubt that the application of any fubfcription towards forming that corps would be fecured by the bill.

Mr. Serjeant ADAIR faid, it was his intention to offer on the report a claufe, exprefsly to authorife fubfcriptions, to remove doubts on the law as it now ftood, and without glancing at that queftion either the one way or the other.

Mr. Chancellor PITT conceived fuch claufe to be unneceffary, and faid he fhould therefore oppofe it.

Mr. FRANCIS faid, that before he offered his opinion on the bill, he could not but complain of a practice, which generally prevailed in that Houfe, and which in effect took away all freedom of debate, by confining every difcuffion, on fubjects of importance, to three or four individuals. That, on this point, he fpoke with great impartiality. That a few diftinguifhed perfons, by occupying the whole time of the Houfe with fpeeches of many hours, not only wore out the patience of the few who attended to them, while a majority of the Members, perhaps, were taking their nourifhment or their repofe, but precluded all others from offering their opinion

ever so shortly, for want of an opportunity of being heard even for a moment. That, if it was the object of eloquence to weary and deaden the attention of an unhappy audience; to exhaust all human patience; to efface, by endless repetition, an impression once made; to stupify, rather than to convince; and finally, to lose the votes of friends, whose constitution sunk under the intolerable burden imposed upon their faculties; then, indeed, the gentlemen he alluded to were supremely eloquent.

That, as to the bill now depending, it appeared to him that the question of the legality of private subscriptions for public services, had been debated by the Attorney General and others on the preceding night, he would not say without learning or without ability, but upon a false principle, on which the question of right ought not to be argued, at least in the first instance. That, instead of inquiring what the sense and meaning of the constitution was, and must be, and then what the ancient practice of Parliament had been, the learned gentleman had exerted his industry to find out and collect a number of modern facts, which he thought suited his purpose, and out of an accumulation of such facts to establish a doctrine; that is, to invert the natural order of the inquiry, and to prove principles by precedents, instead of justifying practice by principle. That every one of the instances, so relied on, might be nothing better than abuses, which, being but inconsiderable, perhaps, in the amount, or evidently harmless in the application, had passed without notice. But now the question comes directly before us.—We are at issue on the point of right.——Will you suffer it to be decided, not by its own intrinsic reason, not by the principles of the Constitution, but by some special facts and instances of a modern date, in which the question of right was not debated? I do not believe that the examples produced, have been fairly quoted; but if they were, what is it to us, who had no concern in those transactions, and who are now contending for the truth of a constitutional principle? Instances of wrong, done by others, if they were ever so numerous, are not to conclude against *my* right. What is it to me that such and such things were done in the administration of Mr. Fox or Mr. Pitt, of Lord Rockingham or Lord Shelburne? Were they right when they were done? If they were not, now that they are questioned, this is the time to condemn and put a stop to them. The essence and virtue of a free constitution, and of ours in particular, is, that it acts and governs by common rules and equal measures, operating indifferently on all men, without selection, and in proportion to their ability, estimated on general principles. The first effect of voluntary subscriptions, recom-

mended by Power, and therefore not fo voluntary as they pretend to be, is to deprive us of the benefit of acting under common rules and equal meafures, by piquing fome men to contribute beyond their real ability, from motives of pride, jealoufy, competition, or zeal. At the fame time, the richeft perfons may efcape, if they will, or contribute but a trifle in comparifon with their means. Then comes the invidious perfonal diftinctions, the fuppofed difaffection, the marking out of particular perfons in every county as enemies to Government, with an endlefs train of jealoufies, contentions, and animofities in private life, encouraged and fomented by the pervading and predominating influence of Government in every corner of the country.

If private contributions, to be received and difpofed of by the Executive Power, are lawful at all, they are equally lawful in all inftances. See then to what conclufion that doctrine goes.—What becomes of the Houfe of Commons, if the people may give and grant directly to the Crown?—Will a feat in this Houfe be worth four or five thoufand pounds? That at leaft is a point, which gentlemen would do well to confider, before they part with the power of the purfe. They will not, I fuppofe, furrender their own individual intereft, for the fake of betraying the conftitution. Will they teach the Minifter to apply for money to any body but themfelves? I need not pufh this argument any farther. Their generous feelings, I am fure, are fufficiently alive upon the fubject.

But after all, is the fupply which the Minifter expects to obtain by thefe irregular courfes, worth the difpute? Is it likely to be confiderable? Will he favour us with an eftimate of what he thinks it will amount to? If he will, I declare that I, for one, am ready to give him double, or even treble, the amount of his own eftimate, provided he will take it in a regular parliamentary way, that is, through the medium of the Houfe of Commons. If he will not, then I think it muft be evident that the fupply is not the object.

Mr. FOX, without wifhing to enter upon one of thofe long fpeeches which the honourable Member had condemned, was defirous of juftifying himfelf from the inconfiftency of conduct imputed to him from what happened in the year 1782. His own character was undoubtedly dear to him, as muft be the cafe of every man; but he was impelled with equal force to this juftification, from the character of the Marquis of Rockingham having been alfo involved in the charge. The memory of that illuftrious perfon, he trufted, would ftill meet with many defenders in that Houfe, and he was fure there were fome [Mr. Burke was fuppofed to be alluded to] who could not be indifferent to any imputation thrown upon it. He

then went at length, into the meaning of the circular letters fent to manufacturing towns by the Earl of Shelburne in the year 1782, and argued that they had no fimilarity whatever with the prefent application. The Attorney General had in the late debate produced fome letters of the Sheriffs in anfwer to that of the Earl of Shelburne, with the view of fhewing that fome of them underftood it as a folicitation to enter into a voluntary fubfcription. On inquiry he learned that the number of anfwers fent to the noble Earl's letter amounted to about one hundred and forty, of which only fix or feven were referred to by the Attorney General. He was forry for the abfence of that learned gentleman, as he was convinded that when he found the Minifter refufe the production of the remaining letters, he would be afhamed and indignant at being made the inftrument of practifing fuch a deception on the Houfe. In fix months after the circular letter of the year 1782, he was found publicly oppofing in that Houfe thefe voluntary fubfcriptions to the King on the fame grounds upon which he now oppofed them, and had formerly oppofed them in the year 1778. Why did not the Minifters of that time charge him with inconfiftency? The reafon was obvious—becaufe the tranfaction was then frefh in the minds and knowledge of men, and not fo liable to mifreprefentation as now, after an interval of twelve years. He ftill continued to hope that the production of all the anfwers to Lord Shelburne's letter would not be perfevered in.

Mr. BURKE declared that he fhould not be unmindful of the hint given by Mr. Francis, and drawn from a precept in a writer of very high authority with the gentleman oppofite to him (Captain Morris)—

"Solid men of Bofton make no long potations,
"Solid men of Bofton make no long orations.
"Bow! wow! wow!"

And this injunction he could the more readily comply with, as he had in fact very little to fay upon the fubject. At the period alluded to, Mr. Fox muft know, that though he held an office fuppofed to be very high and very advantageous, yet he was as completely ignorant of what was paffing in the cabinet as any man in England. He was then very fully employed in drawing up voluminous reports on the affairs of India, and alfo in a laborious inveftigation into the details of the public offices. Thefe, together with the fevere and arduous duties of his own department, left him but very little time to any other bufinefs; and as to the prefent tranfaction, he protefted that the fmalleft trace of it did not remain upon his memory

He muſt, however, ſay, from his private and intimate knowledge of the illuſtrious Marquis of Rockingham, that no man was more incapable of concurring in any thing which he thought to be unconſtitutional.

Mr. SHERIDAN felt himſelf much diſappointed in that kind of defence, which he had a right to expect from Mr. Burke, of the conduct of the Marquis of Rockingham, and ſuppoſed, that the injunction againſt "long orations" was not the only moral precept in that ſyſtem of ethics alluded to, which ſerved to regulate the conduct of that right honourable gentleman. He would take the liberty to remind him of another paſſage in the ſame approved writer, in which he ſays,

"He went to *Daddy* JENKY, by *Trimmer* HALL attended,
"In ſuch company, good lack! how his *morals* muſt be mended.
"Bow! wow! wow!"

He then repreſented, that Mr. Fox had mentioned the juſtification of the noble Marquis to have been one of his chief motives for entering into the explanation; whereas Mr. Burke was contented to declare his ignorance of the proceeding, and leave the memory of the Marquis of Rockingham to be defended by others. He then arraigned Mr. Burke of inconſiſtency, in now complaining of the place which he formerly held, and the loſs of which he bewailed immediately after the Adminiſtration to which he belonged was diſmiſſed. He called to his remembrance the ſpeech which he made upon that occaſion, with a profeſſed ſenſibility in all the enjoyments of which he was deprived, and, amongſt others, the muſic of drums and fifes, which regularly afforded him a morning ſerenade.

Mr. BURKE returned his ſincere thanks to the philoſopher for thoſe moral inſtructions which he was ſo kind as to convey to him, and of which he ſhould not fail to profit, from a conviction of how much the value of moral leſſons were enhanced, by being ſo well exemplified in the life and actions of the preacher. That man muſt indeed know little of morality, who was not conſcious that the longeſt life was too ſhort for the attainment of its perfection, and he who practiſed morals with the moſt delicate obſervance, would find ſufficient imperfections to prevent him from boaſting of it. Without ſubjecting himſelf, however, to the imputation of vanity, he hoped he may ſo far rely upon his moral character, as to ſuppoſe that it could receive neither diminution nor addition from any teſtimony which Mr. Sheridan may bear to it. There were but two other points, of which he ſhould take any notice. Firſt, what was ſaid of his diſlike to official ſituation; and ſecondly, the inattention

of which he was accused to the vindication of the Marquis of Rockingham. To the first he would say, that he never professed himself indifferent to the emoluments of official situation, or to the rank or patronage that it afforded; and that both in public and private, he had always condemned the ridiculous jargon of those who affected the contrary. To the second he would only just observe, that though some charges of inconsistency had been made against Mr. Fox for his present opinions, he had heard none made against the Marquis of Rockingham.

Mr. SHERIDAN declared, that it was a great mistake to suppose that he made any attack upon the morality of Mr. Burke, for if his words had been attended to, it would appear that he supposed him to possess it in such superabundance, that he might even spare some part of it for the right honourable gentlemen that surrounded him. [Mr. Burke was sitting upon the Treasury Bench.] In speaking of his official situation, he did no more than repeat his own expressions; and if he had attended to the last debate, he would have heard direct charges of inconsistency brought against the Marquis of Rockingham.

Mr. BURKE said, that being otherwise diligently employed in fulfilling the duty imposed upon him by the House, there were only one or two subjects upon which he attended its debates, though by way of extraordinary inducement, Mr. Sheridan always held out to him the *douceur* of having, upon every occasion, the whole conduct of his life ripped up and ransacked. Recurring to the official situation which he at one time held, while Mr. Sheridan was Secretary to the Treasury, he declared it to be so irksome to him, on account of the neglect of others, that it was with much difficulty he was prevented from throwing it up, nor would any consideration induce him willingly to pass again so disagreeable a time. He concluded with a censure of Mr. Sheridan in arraigning the morality of a man, of whom he knew so little.

Mr. Chancellor PITT defended the Attorney General in the use made of the answers sent to Lord Shelburne's letter, observing that the measure in general was not much noticed or acted upon in the country, and it was sufficient if in the few places where any proceedings were held upon it, the general understanding was, that a free contribution was solicited.

Mr. ROLLE said, that in the county to which he belonged, a meeting was held upon Lord Shelburne's letters, and a subscription entered into.

The question for committing the bill was then put and carried, and Mr. Hobart took the chair.

Mr. Chancellor PITT obferved, that the moft material difference between this bill and that of 1782 was, that it extended to the cafes of internal riot and tumult, and of imminent danger of invafion. The reafons of this further latitude he had before fubmitted to the Houfe as effentially connected with the principles of the bill, and it would therefore be unneceffary for him to advert to them in the Committee. In this ftage, however, it was proper to mention fome modifications which had occurred to him on the fuggeftions of various gentlemen or his own reflection. He thought it likewife more expedient to bring them forward as amendments rather than as claufes, to be afterwards added to the bill, as in the firft cafe they might be reprinted with the bill, and thereby be more generally difcuffed.

1. He meant to propofe that no one inrolling himfelf in any of thefe volunteer corps fhould be compelled to ferve in any other cafe, or on any other terms than thofe expreffed in the conditions of the enrolment.

2. That all perfons fo inrolled fhould be exempt from any ballot for the militia that may occur during the time of fuch enrollment.

3. That the ferjeants, corporals, and drummers fhould be liable to be billeted, in the fame manner as they are in the militia, though the corps is not called out.

4. That when His Majefty fhall think fit fo to require, the arms, &c. fhall be delivered up.

5. That all court martials, when they are called out, fhall confift only of officers belonging to volunteer corps.

Mr. SHERIDAN wifhed to know if enrollment was to be confidered as tantamount to enlifting; and if, in confequence, a perfon enrolled could be obliged to march when the requifition was made. He thought the extenfion of the act to the cafes of riot and tumult unneceffary, and inconfiftent with the preamble of the Mutiny act. Military aid to the civil Magiftrate was unknown to the Conftitution, though fo much reforted to of late. He wifhed alfo to know if thofe corps would be under martial law, if a Sheriff chofe to call them out on any paltry riot.

Mr. Chancellor PITT faid, the bill would contain no power to compel the corps to march even when called on; it was thought fufficient to truft to the fpirit of Englifhmen, and the obligation they themfelves would feel from the engagement they had made. When, however, they did march, they would be confidered on actual fervice, receive pay, and be fubject to military difcipline. He conceived, that it was highly proper to extend the provifions of the act to the cafes of riot and tumult. If they exifted in any town,

or in the country, for what imaginable reafon fhould we debar ourfelves of reforting to fuch a ready and efficacious mode of quelling them? The old doctrine againft ftanding armies, was, in his opinion, totally inapplicable to a force fo differently conftituted as an ufeful volunteer affociation, which could not be compelled to act without its own confent. Though the Sheriff might call on them to fupprefs riots and tumults, this was no new authority; it was in fome inftances fhort of that power the Conftitution already gives in the fame cafes, as he may at prefent call the *poffe comitatus* out, and compel the fervice of each individual in the county to fupprefs any difturbance of the peace. The prefent bill only extended their authority to adjoining counties; and this, he thought, none could oppofe, who confidered that the only chance of fuccefs which our enemies could have in cafe of an invafion, was by a co-operation with fome internal difturbance. He wifhed it therefore to be generally known in the country, that the fecurity and protection of the kingdom depended as much on the exiftence of fuch a force in large manufacturing towns and the interior of the country, as on the fea coaft. In anfwer to the inquiry, how long, when called out, they are to continue under military law? He faid, only while they continued in pay; when they returned to their towns and diftricts, under the words of the act, they would inftantly be releafed from the operations of that law.

Sir EDWARD KNATCHBULL adverted to what had paffed on a former occafion relative to the conduct of the magiftrates, and was anxious that juftice fhould be done to them with regard to the part they had taken in ftopping fome letters.

Mr. Chancellor PITT faid, that he underftood thofe magiftrates had acted in a way which fully explained the matter, and cleared their character from any imputation whatever. They had reafons to think that very improper fteps were taken in that county, and fome letters came to their hands under circumftances of ftrong fufpicion. They did not however open them, as had been afferted, but fent one of them to the perfon to whom it was addreffed, and waited for his information of its contents, which proved indeed of the innocent and amufing nature (a Valentine) alluded to. Another letter, having an addrefs totally illegible, they conceived themfelves warranted in opening, as it was as likely to belong to them as any other perfon. Thefe facts he thought himfelf bound to ftate, as the infinuations and remarks which had been made on the fubject had given fome uneafinefs to very refpectable gentlemen, whofe activity and vigilance was highly commendable.

Mr. HONEYWOOD diſclaimed all idea of cenſuring the magiſtrates, but ſaid he had only ſtated facts on that ſubject.

Mr. SHERIDAN thought it no light matter to ſanction, for the firſt time, calling in military aid to the civil power, and was ſorry to hear Mr. Pitt conceived any danger whatever from the interior of the country. He himſelf ſaw no great cauſe of fear from the attempts of France, but none at all from any co-operation which they were likely to receive in this country. If, however, the power of calling out theſe corps to ſuppreſs riots only, was to exiſt while there was a rebellion, or the appearance of it, he ſhould not have objected to it.

Mr. MITFORD (the Solicitor General) thought this bill perfectly conſiſtent with the true principles of the Conſtitution. In all ſimilar caſes the Sheriff might raiſe the *poſſe comitatus*, and in ancient times aſſizes of arms and commiſſions of array took place at the direction of the Crown, though now they had fallen into diſuſe. The preſent mode of arming the gentry and yeomanry of the kingdom was therefore not new, and was in fact only arming property for its own protection.

Mr. SHERIDAN obſerved, that the *poſſe comitatus* was not under His Majeſty's command, nor governed by officers of his appointment, and this conſtituted a material difference. He ſhould have thought it would have been ſufficient to revive the ancient practice of commiſſion of array and aſſizes of arms.

Mr. MITFORD ſaid, theſe commiſſions and aſſizes were diſperſed on the authority and at the diſcretion of the King, and that the Sheriff might compel any ſoldier or officer of any rank within his county, to aſſiſt him in caſe of riots.

Mr. SHERIDAN aſked, if a ſoldier might quit his corps on the requiſition of the Sheriff, without incurring the penalties of deſertion; or if he could do ſo in diſobedience to the commands of his ſuperior officer.

Mr. MITFORD thought he might by the common law; but how far the Mutiny Act had altered it in that reſpect, he was not then prepared to ſay.

General SMITH conceived that by the proviſions of the bill, volunteers had only to refuſe to receive pay, and then they would no longer be ſubject to military law. He thought ſuch power being known to exiſt in the country, would prevent riots and tumults, as well as repreſs them, if they ſhould ariſe.

Mr. Chancellor PITT ſaid, the honourable General would, on farther conſideration, ſee that, under his conception of the bill, a greater inconvenience would ariſe than advantage; and ſo different

was his opinion of the operation and intention of the bill, that he could not refrain from expreſſing it. Theſe corps were to march only under the obligation of honour, and their own promiſe, but when once they had marched, they would be under military diſcipline while they continued in pay, and they would remain in pay as long as Government, in its diſcretion, ſubject, as in all other caſes, to reſponſibility, ſhould think proper.

General SMITH ſaid, an army under his command in India once refuſed to receive pay, and thought themſelves in conſequence releaſed from military obedience, and he thought that lawyers ſhould be conſulted on this ſubject.

Mr. Chancellor PITT declared, that if he had any doubt on the point, he ſhould readily avail himſelf of the aſſiſtance of learned men; but under the Mutiny Bill it was clear, that a ſoldier inliſted and becoming liable to receive pay, was ſubject to the rules of martial law, without any power of releaſing himſelf from that ſubjection.

Serjeant ADAIR concurred with Mr. Pitt on the operation of the Mutiny Bill. He thought it was not ſufficiently clear, whether if a corps be called out in caſe of riot, it is liable to be continued in arms during the war. As this is not the intention of the act, he conceived that it would be adviſeable to ſpecify in the clauſe relating to this ſubject—"That they ſhould only receive pay while they continued in the ſervice on which they were called out." He thought alſo, that if it were meant to leave it at the option of the corps to march or not, it ſhould be explicitly ſaid, as under the words of the bill at preſent, he had ſome doubts whether it was at their option.

Mr. POWYS ſpoke in ſupport of the bill.

Mr. Chancellor PITT ſaid, it was meant only to rely on the duty of fulfilling their promiſe as to their marching, and he could not conceive any doubt of their being able to chuſe on that ſubject free from the coercion of any law. The Mutiny Bill would only attach on them when they had actually marched, and could not therefore compel them to march. The words of the preſent bill were to the ſame effect.

The Committee then went through the various clauſes and amendments; after which the bill was reported, ordered to be printed, and the report to be taken into farther conſideration on Friday next.

Mr. Chancellor PITT, notwithſtanding the thinneſs of the Houſe, thought it proper to give intimation of a motion he intended to make on Friday next. The occaſion of it was, that the Mini-

ſters of the Crown had, on various conſiderations, been induced to adviſe His Majeſty to avail himſelf of the opportunity which may offer to take into Britiſh pay large bodies of French troops for the enſuing campaign. He added, there was reaſon to think that this meaſure may be carried to a conſiderable extent.

Mr. SHERIDAN thought it ſufficient to ſay, in ſo thin a Houſe, that he conſidered this propoſition as the moſt alarming he had ever heard.

Mr. Chancellor PITT remarked, that Mr. Sheridan had certainly contributed his ſhare to render the Houſe as thin as it now appeared. Without anticipating any thing which may occur in the debate, he wiſhed barely to mention, that the bill would contain certain limitations, as to the manner in which ſuch foreign troops ſhould be employed.

Mr. SHERIDAN obſerved, that it was cuſtomary always to give notices of this kind before the Houſe proceeded to the order of the day.—The Houſe adjourned.

Wedneſday, 2d April.

Major MAITLAND ſaid, that in order to give time to the Miniſter to conſider the ſubject fully, he ſhould defer the motion he intended to make to-morrow, till to-morrow ſe'nnight, but that to-morrow he ſhould move for the papers already mentioned by his honourable friend, Mr. Grey, relative to the laſt campaign.

The Houſe adjourned.

Thurſday, 3d April.

Major MAITLAND ſaid, he roſe to move for papers of a ſimilar nature with ſome which the Chancellor of the Exchequer had already objected to producing. The right honourable gentleman having now had time for deliberation, would, he truſted, do as he had done on ſeveral other occaſions, and acknowledge that his former opinion was erroneous. His honourable friend (Mr. Grey) he underſtood to have moved for abſtracts of the correſpondence between Miniſters and Officers employed in conducting the war. He did not think it neceſſary to go ſo far, and ſhould be ſatisfied if the abſtracts of that correſpondence already communicated to the public in the Gazette, were collected and printed for the uſe of the Houſe, ſo as to bring the whole of the information reſpecting the laſt campaign, which Miniſters had thought fit to publiſh, into one point of view. On this, however, he would not inſiſt, if any objection ſhould be made to it; becauſe he had other materials on which to found the motion, of which he had given notice, reſpecting the general

conduct of the campaign. For the same reason he should not insist on printing the return of the British killed and wounded, now on the table; but he thought the Minister ought to be desirous of printing it, because the number was much less than the public supposed. The length of a paper was sometimes urged as an objection to printing it, but the return in question was too short to admit of any such objection. If, therefore, the Chancellor of the Exchequer should oppose its being printed, he must conclude that his only motive was, a general principle of opposition to every thing that did not come from his side of the House. Returns of the guns, ammunition, and stores, left before Dunkirk, and at Toulon he thought more material; not as documents for proving the general impolicy and misconduct of the war, for these were sufficiently proved, in his mind, by other circumstances; but to enable him to combat the opinions of other gentlemen, and to oppose by particular facts the declamation and assertion of Ministers on the general success of the campaign. If in every instance of success, the enumeration of stores taken was to be so minute as to include tattered tents and unserviceable drums, it was fair to be as particular on the other side, that the House might be able to strike the balance between what we gained and what we lost. The plain question was this—Had, or had not, the House of Commons and the People of England a right to be truly informed of every event of the war?—He was glad to see an honourable Baronet (Sir James Murray) in his place; and he would ask that honourable Baronet, if thirty-two guns, the number stated in the Gazette, were all that were left before Dunkirk? He meant not to insinuate that the honourable Baronet had sent a return which he believed not to be true. In the heat of victory the advantage gained was naturally over-rated; and in the calamity of defeat, the whole extent of the loss could not possibly be ascertained in the first instance. But when the facts were afterwards ascertained, they ought to be stated; and if the return should now be refused, he hoped the honourable Baronet would give the House that information which, when his dispatches were written, he had not the means of doing. In almost every instance where Ministers had employed the British troops separately, they had been so employed as to be unsuccessful. They who exaggerated all the advantages obtained, in conjunction with our allies, ought to give a correct account of our separate losses. His motion could not be objected to as tending to give improper information to the enemy. Of that information the enemy had long been in full possession. The House of Commons alone was ignorant. He concluded with moving, "That an humble address be presented to

His Majesty, that he will give directions for laying before the House returns of the guns, ammunition, and stores, left at Dunkirk and Toulon respectively, on the retreat of the British troops."

Mr. Chancellor PITT. I mean very shortly to state what were the grounds upon which I formerly opposed the motions, which are now again brought forward to the House, with this difference, that two of them, we are told by the honourable gentleman he does not mean to insist upon at present. The effect of farther consideration, instead of being such as was anticipated by the honourable gentleman to induce me to change my opinion, has only been to confirm my sentiments with respect to the propriety of their rejection. Nor has any thing that has been said on the present occasion at all tended to alter my way of thinking. In addition to the opinion which I always had that it would be improper to produce the papers demanded, the honourable mover has even granted that their production would be unnecessary and superfluous for the purpose which he has in view, a discussion of the conduct of the campaign. I shall now only say two words to the particular objects of the present motions. First, with respect to printing an account of the killed and wounded. It would certainly be very improper to print any such account, if it is meant to be made use of in censuring the war. If the war itself be admitted to be just and necessary, why bring forward details that can only have the effect to impress the public mind with prejudices against it? While we acknowledge the justice and necessity of the war, we must lay our account to submit to its unavoidable calamities. If indeed fewer persons, as has been stated by the honourable gentleman, have fallen in the course of the campaign than may generally be conceived, that indeed is certainly ground of consolation. But I would not have the idea entertained that it was held out as any inducement to go on with the war, that its calamities were less than might have been expected, and that hitherto we had sustained a loss comparatively trifling. The war, I trust, whenever it is necessary, can always be justified upon greater and more general grounds, and such as will render it unnecessary to resort to any such argument, as the smallness of our loss. Secondly, as to printing the other papers demanded, relative to the conduct of the campaign, that would be to admit that there was some ground of inquiry, some suspicion of misconduct, such as to justify this House in going into a discussion of the subject. Now this would be granting the very point which a great majority of this House deny, and which the honourable gentleman has intimated his intention to bring forward by a motion relative to the conduct of the campaign. We, who conceive that there is no ground for inquiry, nothing upon the face of a transaction

to justify any suspicion of misconduct, cannot possibly consent to the production of papers, which are asked for with a view to a discussion. Should we be prevailed upon to sanction the discussion by granting the returns of the guns and stores that were lost, we must upon the same principles grant all the materials relative to the transactions of the campaign, every thing that can tend to throw a light upon the policy of the plans that were adopted, and the mode in which they were carried into execution. We must, in that case, bring forward an account of all the previous conferences that took place in adjusting the objects of the campaign, of our intelligence of the state of the enemy's force, that induced us to direct our efforts in a particular quarter, of all the operations employed for the attainment of the ends we had in view, and of the different causes which concurred to produce our failure. On these two grounds then, I object to this motion; first, that it would be taking up, as assumed, what we are not prepared to admit, namely, that there is ground for inquiry with respect to the conduct of the campaign; and secondly, that if we are to grant the papers demanded by the honourable gentleman, we ought, upon the same principle, to grant a great deal more, which it will not be denied, neither can, nor ought to be produced. I do not mean to insinuate any doubt of the right of the House to call for papers, relative to the conduct of a campaign; but it is a right, which requires great delicacy in the application, and which only ought to be exercised on grave and important occasions. One assertion of the honourable gentleman I cannot help taking notice of, that the British troops failed in every object of the campaign which they undertook; this assertion, except so far as relates to the retreat from Dunkirk, is completely unfounded. But the honourable gentleman has stated as a reason for the production of the returns of the losses of stores and guns, that we, in defending the conduct of the campaign, will bring forward a splendid enumeration of such advantage, as the taking of colours, &c. I certainly shall have recourse to no such argument. I appeal to the House whether I, or those who thought with me, have ever been in the habit of omitting all notice of any stores or guns which were lost, while we made, as we are charged by the honourable gentleman, those which were taken from the enemy, the subject of our declamation. To enumerate such minutiæ would surely be a bad topic of declamation. If we have fallen into declamation, it must only have been from the generality of the subject. What we have always contended, is, that taking into view the whole events of the campaign, and the relative situation of affairs at its commencement, and its conclusion, that the issue had been favourable to this country and its allies. This is the only ground upon

which we have rested our arguments as to the success of the campaign, and the flattering prospect which it held out to our future exertions. As to particular advantages stated in the Gazette, cannot the honourable gentleman conceive, that a General, who sits down after a victory to take an inventory of the advantages which he has gained, may be much more particular in the enumeration, than a General, who has found it necessary to retreat, can possibly be in the account of the stores which prudence may have induced him to leave behind? Is it necessary on this occasion to impute to Government any intention either to magnify or extenuate? But if the honourable gentleman's motions are unnecessary, I must consider as still more so, those questions which he has put to an honourable Member of this House (Sir James Murray) and which, if answered, he says, will induce him to dispense with his motions. If the House does not chuse to grant a motion for papers, does that honourable gentleman conceive that he has a right to interrogate an Officer on the subject of those papers, merely because he happens to be a Member of this House? No Officer is bound to answer any such queries. If the House think an inquiry necessary, they will exercise that right which is vested in their discretion, and grant it, as they alone are competent, in a regular and proper manner.

Major MAITLAND said he had merely stated that almost every plan of separate operations concerted by the British Cabinet, had failed. He begged therefore to be understood as blaming Ministers only, and imputing no blame to the British Officers and soldiers, who had conducted themselves on all occasions with valour and ability.

Mr. Chancellor PITT said this was an additional proof that the motion was unnecessary.

Mr. FOX said the doctrines laid down by the Chancellor of the Exchequer were as dangerous as unprecedented. If it was true that no Member could give the House individual information; that the honourable Baronet could not correct an error in a letter written by himself, under circumstances which must render error unavoidable, without an application by the House to His Majesty; a hint probably thrown out for the instruction of Officers in general, the House could never inquire into the conduct of Ministers, for they never could obtain any information but what Ministers thought fit to give them. The present motion was not a motion for inquiry, but a preliminary to inquiry, for which a correct account of the loss at Dunkirk and Toulon was a fit part of the materials. To say that it did not include all the materials was no argument against it. When the inquiry was proposed, those who thought the materials defective, had

he means of asking for more. The Chancellor of the Exchequer stated it as a rule that no Member had a right to argue on information which the House did not think fit to call for officially. If this rule was true, the converse must also be true; and those who argued on Lord Shelburne's letter in 1782, and the answers to it, as authentic documents, ought to have supported the motion for laying those documents regularly before the House. They had, however, taken a different course. They had rested the greater part of their argument upon those papers, but refused to produce them when called for. The general principle of bringing information before the House was, that all papers ought to be produced, the production of which would not be attended with such inconvenience in some other point of view, as to over-balance the benefit to be derived by the House from the information. War, like all other human transactions, must be governed by a comparison of the loss on one side with the gain on the other, and hearing no argument of inconvenience stated, he should vote for the motion.

Sir JAMES MURRAY said the guns were dispersed in various places, under the command of different Officers, for the purposes of the siege of Dunkirk; and when the retreat became necessary, every Officer bringing off such of them as circumstances would permit, it was impossible to ascertain the exact number left behind, at the time the first dispatches were written. He took the opinion of the Commanding Officer of Artillery; and the account then given by that Officer, and inserted by him in the dispatches, was very little different from the true return, as afterwards ascertained.

Mr. GREY said, no man had ever supposed, that the honourable Baronet had not sent as accurate an account as it was possible to obtain at the time. Nothing, however, had been said to prove that a correct account of the guns, as well as of the stores and ammunition, lost at Dunkirk, should not now be produced. It was the first time that such information had been refused. In former wars not only were the returns of killed and wounded laid before the House, but the monthly accounts of recruits sent to the army.

Major MAITLAND said, if the return were refused, the Public would know that the information published in the Gazette was erroneous, and that when known to be so, Ministers refused to correct it. The less the true return differed from that given in the first dispatch, the more proper it was to produce it. The question was put and negatived without a division.

Mr. Chancellor PITT gave notice, that as the report of the volunteer-corps bill would probably occasion a good deal of discussion to-morrow, he could not flatter himself with hopes of being able to

open the bill for enabling His Majesty to employ Frenchmen in the British service, on the Continent.

The House adjourned.

Friday, 4th April.

Mr. Chancellor PITT acquainted the House, that he had a Message from His Majesty to this House, signed by His Majesty; and he presented the same to the House, and it was read by the Speaker, and is as followeth, viz.

GEORGE R.

His Majesty recommends it to the House of Commons to take into consideration the propriety of making provision for the better management of the Land Revenue of the Crown.

G. R.

The order of the day being read for resolving into a Committee on the Accounts presented from the East-India Company,

General SMITH rose to remind the Board of Controul of the claims and representations of the Military Officers on the Bengal establishment. It had been said last year, that it would be proper to wait for the information which the Marquis Cornwallis might be able to give upon the subject. He knew not whether that information had been given; but he wished to hear, before going into the Committee, that something was to be done in it immediately, or as soon as circumstances would permit. A simple declaration of the favourable intentions of the right honourable gentleman at the head of the Board of Controul would be sufficient to satisfy those gallant veterans, on whom the safety of India depended, and who at present had no hope of being able to revisit their native country, but by the interposition of Parliament.

Mr. Secretary DUNDAS said, the honourable General was perfectly acquainted with the service, and any suggestion coming from him deserved consideration. It was perfectly true, that last year when the question was put to him, whether in the general arrangements of India he meant to bring forward any thing with regard to those who had served in the army at Bengal, he said he meant to reserve himself till the return of the Marquis Cornwallis, who was equally attentive to the interests of the King's troops, and of those engaged in the service of the Company; and therefore he expected that that noble person would make some arrangement on this business, who was infinitely better acquainted with it than he (Mr. Dundas) could possibly be from his situation. He said, he had not been disappointed in that expectation. The noble Marquis had

given the subject his utmost attention; he had probed it to the bottom; and he had no doubt but that by his advice, and under his auspices, such an arrangement would be brought forward as would be satisfactory to all the branches of the military service, and prevent the cruel alternative which had too often happened to our brave countrymen, of starving at home, or dying abroad.

General SMITH said, he was certain that what had been then said would afford every soldier in India the highest satisfaction.

The House here went into a Committee, Mr. Beaufoy in the chair.

Mr. Secretary DUNDAS hoped the Committee would not be alarmed at the size of the papers he held in his hand, and which he should occasionally refer to in the course of what he had to offer to their consideration. He said, that last year, to the best of his abilities, he had stated the affairs of India so fully and so minutely, that he flattered himself he should not then be under the necessity of troubling them with a long detail. He should content himself with stating the result of these accounts, and making any observations on them that might appear material. The material part would consist in drawing different conclusions from combinations of those accounts. The Committee would recollect, that, with the exception of last year, his practice has only been to give a state of the affairs of the East-India Company in India. Their affairs at home formed no part of that discussion; but he was obliged to take a more comprehensive view of the subject last session, when the Charter of the Company was to be renewed, and when a new general arrangement was to take place. He was then under the necessity of attending to the state of the Company's affairs both at home and abroad, and to consider the result of their affairs, either as arising from the resources of their territorial revenue, or from the resources of their sales in Leadenhall-street. The general state of their affairs depended entirely on such a complex view of the subject, both at home and abroad; and since he had begun that practice last year, he conceived it was his duty to follow the same practice every year, because having adopted a particular system, which had received the sanction of Parliament, which system was founded on a variety of estimates, which he had taken the liberty of suggesting, he should think it his duty at all times to omit no opportunity of bringing under their view the consideration of how far his calculations had [illegible] been justified by the event. But though he meant to enlarge on the subject, it would be unnecessary to enter with equal minuteness on each account, as he had sometimes done. He conceived he had now reduced these accounts to

ſuch method and order, that it was eaſy for any gentleman, with very little trouble, to inveſtigate them; and he flattered himſelf they had been examined by a very numerous claſs of gentlemen who were not then preſent. [This alluded to the principal ſpeakers on the oppoſition ſide of the Houſe, who were all abſent.] And with the idea he entertained of the perfection of thoſe accounts which he had brought forward, he did not wiſh for a better proof of their accuracy than thoſe honourable gentlemen's thinking it unneceſſary to trouble themſelves upon the ſubject. He was happy that now, contrary to the practice in the earlier periods of theſe diſcuſſions, he had an opportunity of ſtating thoſe accounts with accuracy, or rather of reminding gentlemen that it required no aid to enable them to draw the regular concluſions on the accounts themſelves. During the firſt years of the diſcuſſion in which he was then engaged, he ſaid, he uſed to be favoured with a great number of correſpondents; and formerly an attack was as regularly made on his Budget as on any one ſubject that came before the Houſe; but for theſe two or three years laſt paſt, he had loſt all his correſpondents, and was allowed to walk peaceably over the grounds of Indian Accounts, either in that Houſe or any other place. But though he was not favoured with any correſpondents after his Budget, he had this year been favoured with the productions of a correſpondent before, and by way of anticipation. That correſpondent ſtated in one of the Morning Prints, [vide Morning Chronicle, April 3] what his Budget muſt be, and concluded with obſerving,

"Two millions more muſt be borrowed to keep the Company's caſh balance equal to what it was on the 1ſt of March, 1794, which we conſider a much better comment on the general proſperity of the Company, than can be derived from the intrepidity of Mr. Dundas's aſſertions on India affairs. The bold man always aſſumes courage in proportion to his danger; and as the Company's affairs are now more diſcouraging than ever, we ſhall of courſe, at the opening of the India Budget to-morrow, have the moſt flattering accounts of their vaſt wealth, and unexhauſted reſources."

How far his aſſertions were thoſe of "a bold man," taking courage from danger and deſperation, he muſt leave to the conſideration of that Houſe. He was perfectly ready to admit, that, to a certain degree, the ſtate of the Eaſt-India Company muſt be affected by war; but at the ſame time he was ready to join iſſue with his new correſpondent. He readily admitted, that during this year of war the ſales had not amounted to the idea he had of a peace eſtabliſhment; but, notwithſtanding the deficiency on that ſubject, it was as clear as demonſtration, that the ſtate of their accounts this year juſ-

tified the expectations he had formed with regard to the estimates on which he had proposed his general system.

Having made these observations, he should next go into the accounts, and should lay before the Committee the revenues of the different Presidencies in India, together with the burdens that belonged to each; so that by a comparison of these, the Committee would be enabled to see, after all the expences were discharged, what was the nett surplus revenue applicable to the purposes of investment or paying off debts. And in calculating these revenues and burdens, it had been usual to take an account of the average of the three years previous to the particular year of which he was giving a statement. He said he then wished to compare the estimate of the average of the three years previous to the war, viz. from 1787-8, to 1789-90, with the three years, viz. 1790-1 to 1792-3, and the Committee would see how near these two averages were to each other. He said she should begin with

BENGAL.

Accounts.	Current Rupee at 2s.	£.Sterling.
No. I. (*the three years previous to the war*). Average receipts for 3 years, from 1787-8 to 1789-90 — — —	54541067	5454107
Ditto for the 3 years 1790-1 to 1792-3	53134898	5313490
The difference less — —	1406169	140617
No. II. Revenues were estimated for 1792-3, at	51049203	5104920
Actually collected — —	55269339	5526933
The excess — —	4220136	422013
Charges for 1792-3 estimated at —	30423677	3042367
Amount, as far as can be ascertained —	29560684	2956068
Charges less than estimated —	862993	86299
Adding excess of revenue to deficiency of charges, actual account for 1792-3 better than estimated	5083129	508312
Nett revenues of 1792-3 — —	25708655	2570865
No. I. Revenues for 1793-4 estimated at -	54238641	5423864
No. II. Charges estimated at — —	32452788	3245279
Estimated nett revenue —	21785853	2178585

Which is more than stated in the general estimate laid before the House last year, by 192585l.

MADRAS.

He said he could not, with any propriety, give a number of the average accounts with regard to Madras, because they had not reached him.

	Pagodas at 8s.	£.Sterling.
No. VI. Revenues for 1792-3 were estimated at — — —	6146889	2548756
Actual collections were — —	6190775	2476310
Better than estimated — —	43886	17554
Charges were estimated at —	4200716	1680286
Actual amount of charges —	4909163	1963665
Charges more than estimated —	708447	283379
Deducting actual charges from revenues, the nett receipt was — —	1281612	512644
Revenues estimated for 1793-4 at —	5580193	2232037
Charges ditto — —	4253244	1701297
Nett estimated revenues — —	1326949	530740

He said he now had the satisfaction of feeling, for the first time, that he could state that the estimate of the Madras revenue would be equal to the Madras charges. He could, therefore, now remove the doubts and scruples of many gentlemen. The establishment of Madras always seemed to him to be essential to the security of our possessions in India, because it was at Madras that they must provide a secure frontier for the province of Bengal; and therefore, whoever contended that the establishment of Madras had been attended with more expence than emolument, and therefore ought to be given up, would be guilty of unwise policy; because, although taken merely by itself, it had hitherto been of little consequence, yet its relative importance was great, inasmuch as the moment they parted with its possession, they laid the foundation of the loss of our territories in India. He said the Committee ought to consider the Indian provinces as one large estate, where they must so arrange matters as to secure its protection. He considered Madras as necessary for the safety and protection of Bengal, and therefore it was wise and politic to keep possession of it; and it was with the utmost satisfaction he could now say, that in time to come its revenue would be fully adequate to discharge all the burdens of it.

With regard to BOMBAY, he said he was extremely sorry to bear hard on any of the servants of the East-India Company; but

he could not help representing the insufficiency, inaccuracy, and inattention with which those accounts were kept. He said he was not at that moment in possession of any accounts respecting that Presidency later than 1792, so that he was obliged to state on estimate only. He said he should no longer express any regret on this subject. His regret had already been long enough expressed; and since all rebukes and animadversions had not been sufficient, some more adequate remedy must be adopted.

	Rupee at 2s. 3d.	*£. Sterling.*
Average revenue for 3 years, 1789-90 to 1791-2, was — —	1530778	172212
For 1791-2, the last year for which actual accounts have been received, the revenues were estimated at — —	1584755	178285
The actual amount was — —	1646350	185214
Better than estimate —	61595	6929
The charges for that year, being a period of war, was estimated at —	12052551	1355912
But amounted only to — —	11753461	1322264
Being less than estimated —	299090	33648
The latest estimate received from Bombay is for 1792-3, in which the revenues are computed at — —	2153922	242316
And the charges at — —	6058395	681569
Excess of estimated charges —	3904473	439253

BENCOOLEN and PINANG, &c.

	Dollars at 5s.	*£. Sterling.*
Average of Bencoolen revenues for 3 years	17738	4434
Supplies to Bencoolen and Pinang, for 1792-3, estimated at (cur. rup.) — —	680000	68000
Amount actually supplied — —	620927	62093
Supply less than estimated —	59073	5907
Besides which, the supplies to the islands of Andaman and St. Helena amounted to —	120917	12091
Supplies to the whole of the above settlements for 1793-4, estimated at — —	7700009	77000

Having mentioned the different settlements, he said he should proceed to shew the result of the whole taken together. He should

ſtate the total amount of the revenue of the different Preſidencies, and by comparing it with the aggregate of the charges on it, the Committee would preſerve the balance or nett ſurplus of revenue applicable to the purpoſes of commerce, or the payment of debts.

		Cur. Rup. at 2s.	*£.Sterling.*
Actual Revenues of 1792-3			
At Bengal, per No. 3, (cur. rup.) —		55269339	5526934
Madras, per No. 6, (pag.) —		6190775	2476310
Bombay, per eſtimate, No. 7, (rup.) —		2153922	242316
			8245560
Charges			
At Bengal, (cur. rup.) —	29560684	£.2956068	
Madras, (pag.) —	4909163	1963665	
Bombay eſtimate (rup.) —	6058395	681569	
			5601302
			2644258
Supplies from Bengal to Bencoolen, Pinang, Andaman Iſlands, and St. Helena —		741844	74184
			2570174
The intereſt upon the debts at Bengal, per No. 18, paid in the year — (C. rup.)	4485590	441559	
At Madras, No. 19. — (Pagodas)	206434	82573	
At Bombay, as ſtated in the account laid before the Houſe laſt year, no actual ſtatement having been received — —	988863	111244	
Total intereſt to be deducted —			642376
			1927698
To this, adding the amount received from the ſale of import goods and per certificate, No. 15, (cur. rup.)		4898387	480839
The total ſum applicable to the purchaſe of inveſtment, payment of commercial charges, &c, is —			2417537

Mr. Dundas next proceeded to the conſideration of the Debts and Aſſets abroad.

DEBTS.		*Cur. Rup. at 2s.*	*£.Sterling.*
The debts in India, by laſt year's ſtatements, amounted to —		90845508	9084550
By account, No. 16, the amount is —		78574049	7857405
Decreaſe of debts in India		12271459	1227146
Remitted home by Account No. 17	3458831		
Bills drawn ſince dates of accounts, by No. 16 —	3136646		
	Deduct	6595477	659548

Debts actually paid in India besides what transferred at home —	5675982	567598
Debts bearing date, by last year's statement	69339432	6933943
By present account, No. 16 —	63223287	6322329
Decrease of debt bearing interest —	6116145	611614
Annual amount of interest by last year's account	5922097	592210
By present account, No. 16 —	5178256	517826
Decrease of annual interest —	743841	74384
ASSETS ABROAD.		
Value of cash, bills, goods, aud debts owing to the Company, stated last year, at —	76167983	7616798
Ditto, ditto, by No. 21 — —	87337911	8733791
Increased value of Assets —	11169928	1116993
The decrease of debts there as before stated	12271439	1227146
Adding decrease of debts in increase of assets, the affairs in India appear better by —	23441387	2344139

CHINA and St. HELENA.

Balance in favour of the Company last year	—	805955
Ditto this year, 1794, No. 24 —	—	1080881
Better in St. Helena and China	—	274926

Mr. Dundas having laid before the Committee these statements, begged leave here to pause for one moment. Having, he said, given this view of the affairs of India, as separate from European affairs, he wished to ask the Committee whether there was any one existing circumstance now that could lead them to an expectation of any idea unfavourable to that statement? He contended that there was not. He begged leave, in the first place, to say negatively, that there was not one circumstance; and he had the satisfaction to feel positively many circumstances to lead to imaginations and apprehensions of a very different nature indeed. In the first place, the Committee would recollect the effect of the war, which was now concluded in India in a manner so much to the honour of this country; and from which this country had gained an high degree of confidence in India. They had totally annihilated the existence of every European power in India; and what was still more important, they had humbled their great rival in India, (Tippoo Sultaun), against whose ambitious projects we had formerly been obliged to be almost continually in a state of warlike preparation: and there was every reasonable ground to believe that he deeply felt the effects of that hu-

miliation, and which would make him hesitate before he again ventured to disturb our power in India. The means of defence also with which those countries abound, on the parts adjacent to Tippoo's remaining dominions, afforded still farther security against any future attempts from him to disturb the peace of the Carnatic. The best proof that could be given of Tippoo's humiliation, was the punctuality with which he had performed his engagements. He said he wished to found, on the punctuality with which Tippoo had fulfilled his engagements, the strongest proof of the feeling he had of our power in India. All the instalments he had engaged to pay had been regularly and punctually paid. These were not the only observations he wished to make. There was another, perhaps equally comfortable: not only had they humbled the proudest and most powerful of their enemies, under circumstances which had greatly contributed to their prosperity and power, but they had increased the reputation of the British honour and British fidelity in that quarter of the globe to such a degree, as had never been witnessed in any former period. There was no opportunity, when he could mention an illustrious character, (the Marquis Cornwallis) which he did not grasp with pride and pleasure to express his sentiments of him. But there was one trait in the character of that noble Marquis, with regard to his fulfilment of treaties, which, however great he might be as a warrior or a statesman, in his apprehension most eminently distinguished him for profound wisdom and true policy. What he meant was this, that when Tippoo Sultaun's two instalments had been made, and he had neglected to make an offer of the third to those who had been our allies in the war, however convenient it might have been at that time for the Company to have received the third instalment at the conclusion of an expensive war, that illustrious character said to Tippoo, "I will not be beforehand with my allies. Whenever you have paid your instalments to them, I will accept of the additional instalment." The effect of this was the removal of all jealousy on the part of our allies. Even the Mahrattas, who had been called treacherous, and the Nizam, who had been styled faithless, at this moment these two great powers in India were on the most amicable terms with the Company. This act, which was so truly worthy of the noble person who performed it, as well as of this country, had contributed to establish the fidelity, the honour, and credit of the East-India Company in India, infinitely more than any other circumstance that could be mentioned; and tended to the increase of our power, of our possessions, and the extent of our revenues in India.

There were other circumstances, he said, which he likewise beg-

ged leave to mention, as connected with this subject. One important circumstance had taken place, which must be sufficient, independent of positive proof, to shew the extent of our security, with regard not only to our rivals, with regard not only to our allies, but, what was of still more consequence, it related to the security of our own subjects. A great arrangement had been brought forward, and carried into final execution, with regard to Benares, &c. Sir John Shore had established, for the first time, the complete possession of land in India. That arrangement was at last most fortunately completed. He had always said, and always observed, that there never could be happiness in any country where landed property was insecure; and what was the effect already perceived, of the security now given to landed property in Bengal? Many of the monied men, who used to hoard up their treasures, had actually laid out their money on land. Was not that a sufficient proof that they felt the effects of that security? They thought it better to remove their property from under the power of the Princes of India, and to live under our laws, and under the protection of the British Government, and to lay out their money, instead of keeping it concealed. There were other circumstances perhaps of less moment, that led still more to the prospects he had entertained. However unfortunate the war might have been in other respects, it had produced a great increase of one thing, which was very much wanted in India, namely of a circulating specie in our possessions in India. That had happened in three different ways. In the first place, the East-India Directors sent out the sum of 700,000l. for the supply of the war, all of which found its way into the circulation of the provinces. The instalments of Tippoo Sultaun were also brought down to our settlements and added to the circulating wealth of the country. A third circumstance, the low rate of interest in Britain compared to India, induced a nnmber of wealthy individuals to send out money to India to be lent out at interest. He said, owing to these three causes, that had been remedied which had always been considered as a defect in the Government of the East-India Company. In this manner two millions had been added to the wealth of that country since the commencement of the late war. Another circumstance which he wished to mention was, the last legacy which the noble Marquis had left to the inhabitants of India, viz. the various arrangements his Lordship had made for the regular Administration of Justice through all the provinces of India. By these judicious regulations on this most important subject, access was given to the natives of India of the lowest order to obtain redress against the highest and most powerful Zemindar. By these arrangements the channels of Justice will be kept pure, and redress

for injuries equally obtained by the high and the low, the rich and the poor. This of itſelf muſt greatly contribute to the ſatisfaction and content, to the induſtry and general proſperity, the happineſs and population of the country. He ſaid he might mention many facts as proofs of the proſperity and credit of the country. During the late war in India, conſiderable ſums were borrowed at 12 per cent (the common rate of intereſt in India.) Such was the credit of the Company, that the ſtandard rate of intereſt did not now exceed 6 per cent. Bonds which were at 6 per cent. bore a premium of 2 per cent. He ſaid this was a ſubject which had occupied a great deal of his time and his thoughts. It was a ſubject which he was certainly fond of, and on which he loved to dwell and contemplate; and the more he did ſo, the greater was the ſource of internal ſatisfaction. In addition to all theſe circumſtances, there was one, that if properly managed and attended to, would lead to circumſtances of proſperity which he was not able to calculate, he meant the great addition of territory the Company had received on the Malabar coaſt. When he combined all thoſe various circumſtances together, every one of which, taken ſeparately or conjointly, were proofs of the growing proſperity of India: when he reflected on the territorial revenue of the Company, on the profits of their trade, ariſing from a large capital; when he conſidered the favourable ſituation in which they ſtood with regard to the other powers of India; and the excellent regulations which had lately taken place in our India provinces, it was impoſſible for him, or for any man, with accuracy to calculate their effects on the general proſperity of a country. He conſidered all theſe circumſtances as ſufficient grounds to juſtify his opinion, and prove that his expectations were well founded. He begged pardon of the Committee for having made ſo long a digreſſion.

Mr. Dundas ſaid, he came next to ſtate the affairs at home, and he admitted that the deficiency had been very great. The cauſes of that deficiency he took to be the delicate ſituation of commercial credit during that time, and the general apprehenſion entertained by the Company in reſpect to the amount of their ſales. The eſtimate made by the Eaſt-India Company, though there had been a deficiency, was very fairly made. The deficiency conſiſted of two ſeveral branches: one aroſe from the deficiency of price received at the ſales, and the other aroſe from a deficiency of goods received from India for ſale. The eſtimate calculated by the Committee of Directors was made on the ſuppoſition that the goods would have ſold at the price at which they had been uſually ſold, but inſtead of that they ſold from 12 to 15 per cent. lower, which aroſe from a ſcarcity of buyers, from the want of money and the want of credit in the

country at that particular period. These causes therefore produced a deficiency, which was increased upwards of 400,000l. in consequence of goods not coming from India, upon which the Committee had calculated. He said, instead of drawing any unfavourable conclusions against the lasting prosperity of the country from these failures, they strongly confirmed him in the truth of his former estimates, and that the actual amount would considerably exceed the estimates when peace should happily be restored to us. He said, notwithstanding this deficiency, the nett revenue had come within 50,000l. of what he had calculated it would amount to last year. He next made a few observations with regard to the estimates for the next year. He likewise observed, that he had received a paper just when he was coming into the House from a very intelligent Officer, and which afforded him great satisfaction. He said this was the month of April, and this paper contained an account of the actual sales of the Company during the month of March. He said the estimates for the month of March were 826,358l. The actual sales were 888,114l. the sales exceeding the estimates by 61,756l. He said he was entitled to draw two conclusions from that fact; first, that it afforded a very fair ground to infer that the present estimates had been fairly and honourably made up. And 2dly, when a great deficiency had existed the former year, that there was just cause to believe a very considerable part of the failures had been more owing to the state of commercial credit and want of buyers than to the general failure of markets. He thought he had now said enough to satisfy the Committee that the accounts both of the last year, and of the year to come, had been fairly and justly taken, and that he had founded his assertions on clear and distinct proofs, and had made out the whole of his propositions in order to sustain the justice of his calculations. If he said the Company were in this prosperous state, some gentlemen might ask him, what should induce them to present a petition to borrow money? He proceeded to explain the reasons; 1st, because a million of India debt had been transferred and paid, instead of half a million, which he last year had proposed, but of which they were not aware in India, and therefore they had remitted a million, which had been discharged. The Company were to have reduced their bond debts to 1,500,000l. they could only reduce them to 2,000,000l. It was better to pay the transferred India debt than the bond debt, because the first bear 5. and the last only 4 per cent. There was another reason why the Company were obliged to borrow, because they had been under the necessity of postponing some of their sales from November to January. He proposed, therefore, they should be permitted, in addition to the bonds now

iſſued, to iſſue other bonds to the amount of one mil[illegible]n, to prevent any embarraſſment in the ſtate of their affairs. For [illegible] particul[illegible] at home ſee the following eſtimates:

In an average eſtimate laid before the Houſe laſt year, the amount of ſales of goods was taken at — —		4988500
Actual ſale amount —		4887127
Leſs than eſtimated —		101173
Charges and profit on private trade, eſtimated —	£.70000	
Actual amount —	95840	
More than eſtimated —		25840
Difference between eſtimate and actual —		75333
Actual amount received for goods in the year —		4389458
The Company having been obliged to give more credit than uſual by 497,669l. over the 1ſt of March.		
India debt paid off in the year —		1008637
Bond debt ditto — —		1028475
Debts paid off —		2837112
Amount to be received for goods ſold in the preſent year, eſtimated at — —		5426358
India debt eſtimated to be paid in this year —		972126
Total of India debt paid and to be paid in two years —		1980763
Laſt year's act directs only 500,000l. a year to be paid.		
More India debts paid than ordered by the act —		980763
More goods ſold, not paid for, than expected —		497669
More paid and leſs received —		1478432
Debts at home, including transferred debt, according to laſt year's account, excluſive of capital ſtock —		7604629
Account of ditto at preſent —		7006500
Decreaſe of debts —		598129
After paying 250,000l. to Government, and including 250,000l. among the debts.		

ASSETS AT HOME.

The aſſets at home, making the account exactly ſimilar to the ſecond part of No. 23, amounted laſt year to —	[illegible]229173
By No. 23, the amount is — —	9[illegible]88836
Increaſed value of effects at home	6[illegible]9[illegible]63
Add decreaſe of debts to increaſe of aſſets, the affairs at home appear better by — —	12577[illegible]

Mr. Dundas then summed up his preceding statements by the following

GENERAL COMPARATIVE VIEW.

Debts less and assets more in India than in last year's accounts		2344139
Ditto in China and St. Helena, as per No. 24 —		274926
Ditto at home ——— ———.		1257792
		3876857
But towards this there was raised by new capital	2000000	
And cargoes arrived from India since, making their stock accounts ——— —	207108	
		2207108
Nett improvement in the Company's affairs by reduction of debts and increase of assets ———		1669749

Mr. Dundas concluded with moving various resolutions, pursuant to his speech; all of which were carried, *nem. con.*, and the report to be received on Monday.

Mr. Chancellor PITT moved the order of the day for receiving the Report of the Committee on the Bill for the encouragement and discipline of such persons as shall voluntarily enrol themselves for the internal defence of the kingdom, which being done, the amendments of the Committee were read and agreed to. He then proposed some other amendments, one of which was founded on the idea suggested on a former occasion by Mr. Sheridan, that of removing all difficulty as to the time when these volunteers shall be subject to military law. He thought it would be better that such a point should be purely voluntary on the part of the corps, and therefore before the word "march," he proposed to insert the word "voluntary," so that no person should be bound to march who did not think fit; but after voluntary marching, the Mutiny Bill would of course attach. The amendments were all agreed to, and the Bill was ordered to be engrossed, and to be read a third time on Monday, if then engrossed.

Monday, 7th April.

Mr. BEAUFOY brought up the report of the India Budget. The resolutions were read a first time.—On the question being put for the second reading,

Mr. FRANCIS said that the right honourable gentleman who moved the resolutions, was not likely to attend the House to-day. Some points occurred to him which he wished to state in the hearing of that right honourable gentleman. As many gentlemen were absent on the opening of the Budget, perhaps the right honourable

gentleman was determined not to be prefent while any thing was likely to be faid againft it. Mr. Francis faid he had not attended the opening of the India Budget, and by the bleffing of God he never would. But when the bill was brought forward for the relief of this thriving, flourifhing Company, he might have fome obfervations to make. He fhould only fay, that notwithftanding the very favourable defcription given of the affairs of this Company, the refult of the whole of their unparalleled fuccefs was, that they were to borrow two millions of money. He fhould fay no more on this bufinefs, until the right honourable gentleman fhould attend. The refolutions were then read and agreed to.

Mr. Chancellor PITT then moved that the petition prefented on behalf of the Eaft-India Company on the fubject before the Houfe, be read: which being done, he moved that leave be given to bring in a bill to empower the Eaft-India Company to continue a bond debt of two millions, and to increafe their capital to a farther fum, to be limited as circumftances may require.—Granted.

Mr. Pitt then faid, he gave notice to the Houfe the other day, that he had a motion to bring forward, for leave to bring in a bill, that His Majefty might be enabled to avail himfelf of an opportunity of employing in his fervice fubjects of France under certain defcriptions. The advantage of the plan he trufted would appear in the courfe of the campaign. He did not think it probable that any oppofition would be offered to the meafure in the prefent ftage, and therefore, unlefs he found he was deceived in that idea, he fhould not enter upon any obfervation now upon the fubject. It feemed to him that the nature of the prefent war, under the circumftances of France, confidering the number of fubjects driven from that country, and the number now in France, who would be ready to avail themfelves of an opportunity, but who had not yet been able to emancipate themfelves from the unexampled tyranny of their own Government, and confidering too that many other circumftances might occafion their rifing up in refiftance to their prefent Governors, and the many advantages that might be derived from a force of this nature, he fhould move, "That leave be given to bring in a bill to enable the fubjects of France, to enlift as foldiers in His Majefty's fervice on the Continent of Europe and other places, and to receive Officers in fuch regiments, or Engineers, under certain reftrictions."

Mr. FRANCIS faid, that this fubject on the firft view of it, appeared to be of great importance, and likely to go through a very full difcuffion. Were thefe foreigners only to be raifed and paid in a foreign country, or were they to be here, or were they only to be raifed and kept abroad, as the fervice might call for them? He did

not speak positively, but he understood that the Duke of York had men of this sort, as British troops in his army; but he wished for some information, whether this corps was to be abroad, or being raised here, they were to be employed abroad?

Mr. Chancellor PITT said, the measure was to raise a corps of this kind abroad, and to confine their service abroad, at the same time, he was ready to say it was very possible they might be brought to some place in this country, as a place of rendezvous, somewhere near the coast, and they should not be brought more than a certain number of miles from the coast in this country, the whole of that plan should be laid before Parliament.

Mr. HARRISON observed, that there was a hand-bill stating, that Frenchmen were now raising in this country.

Mr. Chancellor PITT said, he was entirely unacquainted with such notice.

Mr. HARRISON said, it was a very public thing, and that the bill he alluded to was stuck up against the wall of the Admiralty.

Colonel M'LEOD said also, that these bills were public, and wondered the Minister did not know of them.

Mr. VANSITTART thought that the emigrants in this country might enlist under this bill.

Mr. Chancellor PITT did not mean that they should be prevented.

The motion was then put and carried.

Mr. Chancellor PITT then brought up the bill he had moved for leave to bring in on behalf of the East-India Company; which was read a first time, and ordered to be read a second time to-morrow.

On the question being put, for the third reading of the bill for the encouragement and discipline of such persons as shall voluntarily enlist themselves for the general defence of the country; and it being accordingly read, Mr. Pitt moved, "That this bill be now read a third time."

Mr. FRANCIS moved, that the article of the Bill of Rights, which related to the levy of money without the grant of Parliament, should be read; at which some Members on the Treasury Bench seemed to express, by their gestures and laughter, some degree of contempt and scorn. The article was read accordingly, and is as follows:

"That levying of money, for or to the use of the Crown, by "pretence of prerogative, without *grant* of Parliament, for *longer* "*time*, or in other *manner*, than the same is or shall be *granted*, is "illegal."

In former times, Sir, a motion for reading any part of the Bill of Rights, so far from exciting scorn and mockery in the House of Commons, as it has done this day, would have secured the person who proposed it from insult or disrespect, even though he had introduced it unseasonably, or applied it absurdly. Such was once the veneration in which that law was held. But those times are past, and I fear they are gone for ever. Gentlemen have acted prudently in expressing their scorn, before they heard or could possibly conjecture, for what purpose I moved that this declaration should be read. But whether their contempt was levelled at me, or at the Bill of Rights, or at both, I am perfectly content, and think it an honour to me to be so united, and to suffer in such company. Sir, the Chancellor of the Exchequer, on a question stated by me on the subject of the present bill, when it was first introduced, did distinctly and expressly declare, that when once the measure of enrolling volunteers for the general defence of the kingdom should receive the sanction of Parliament, the mode which Government had in contemplation, of providing for the expence, viz. *by receiving the voluntary subscriptions of individuals for that purpose*, would be virtually included and legalized in the sanction given to the measure, though not mentioned or alluded to in the bill before us. This is the doctrine laid down and avowed by the Minister; and this is the principle on which (to say nothing of solicitation and influence) he proposes to *receive* subscriptions for the use of the Crown. On the truth of this doctrine I am at issue with him, and meet him in direct contradiction. I affirm that it is not true that, on the principles of the English Constitution, when the Parliament has given its sanction to any measure to be attended with expence, a right or permission accruing to the Crown of receiving the supply necessary to answer that expence, from any other hand or through any other channel, but that of the House of Commons; and that this is the true and evident meaning of that declaration in the Bill of Rights, which has been read at your table. This House, Sir, in every measure of expence that comes before it, has two essential and fundamental duties to perform, neither of which it can surrender, relinquish, or transfer to any other power, or submit to any other judgement. The first is to vote the service, which at present is not disputed, whatever it may be hereafter. This branch of our duty is still admitted to belong to us. The second is, to estimate and limit the charge, and to grant the supply; and this, I conceive, is an office and a duty exclusively vested in the House of Commons, and so strictly appropriated to us, that we cannot abandon it ourselves, or suffer it to be usurped by any other power,

without a direct breach of trust. We are constituted and appointed by the people for the special purpose, above all others, of guarding the public purse, of assessing, limiting, and applying all monies whatsoever, to be paid by the people for the public service. If the principle be good, viz that "when Parliament has approved the "service, the Executive Government may raise the supply, by "receiving contributions from any who are willing to contribute;" try it upon a larger scale. When you have voted the army or the navy, I mean the numbers, will you leave the supply to be provided, and the expence to be defrayed, by any other means than your own specific grant? Why not? Because the account would be too great to be supplied by subscriptions? That, Sir, is no answer to the question of right. If an augmentation of the militia may be provided for in this way, why not any other more expensive service? The difference is only in the degree, not in the nature and quality of the act. If there be any other distinction, I wish to hear it stated. But, when you had voted the army or the navy, would you allow the Minister to tell you that His Majesty had no farther occasion for your attendance; that Government would find the ways and means, and would give you no farther trouble? How would this House receive such a proposition? I hope they would receive it with indignation, as they ought to do. If not, they would not only betray the Constitution, but very soon find that they had been parties and accomplices in their own annihilation. But how is this doctrine to be reconciled to the Bill of Rights? When money is levied for the use of the Crown, by private contribution, is it, in the first place, *granted* by Parliament? That is, in the strict parliamentary sense of the word *grant?* Is the amount fixed? Is the time limited? Is the manner prescribed by Parliament? No such thing. The Crown receives directly from the subject; and the House of Commons, who alone ought to give and grant the money of the people, *and not the people themselves*, is passed by. But I go farther. I not only deny that a power to receive money from the subject, in the form of a contribution, can be taken by implication, as if it were included in the approbation of the service; but that it cannot be given, even by the expressed consent of this House. We are appointed to do this duty ourselves, and cannot alienate the discharge of it from ourselves to others. We are delegates, and cannot delegate. As individuals we may resign our station; but, while we hold it, we cannot separate the station from its duties. A learned gentleman (Mr. Serjeant Adair) near me, whom I sincerely respect, not only for his learning and abilities, but much more for his unbiassed integrity, has given notice of his

intention to propose a clause, for the purpose of legalising this mode of raising money, in the present instance. The Chancellor of the Exchequer, on the other hand, has declared, that he will accept of no such clause; and I must own I should be sorry to see it received. On *my* principles, the House of Commons has no right to consent to any levy of money, not directly granted, limited, and appropriated by themselves. But such a clause would tend to palliate and qualify the measure, and to establish a most dangerous precedent. I protest against any attempt to patch or paint a rotten principle. If a bad thing is to be done, let it appear at once in its worst shape, and in the blackest colours that belong to it. Then perhaps it may excite alarm; then perhaps it may make its true and natural impression on the stupid mind and feelings of this country. In my judgement, we have not a resource or a hope left to preserve the few securities that remain, or to recover the many that have been lost, but in such excesses and abuse of power, as cannot be disguised or dissembled, and, at some point or other, will no longer be endured.

Mr. Serjeant ADAIR rose to reply to some comments that were made by Mr. Francis, which seemed to lead to a clause that he (Serjeant Adair) had proposed to bring into the bill; but

The SAEAKER observing, that it was not strictly in order to speak to a matter not before the House,

Mr. Serjeant ADAIR said, that what had fallen from the honourable gentleman did not at all apply to the intended clause, and sat down.

Lord WYCOMBE said, that he should not trouble the House with any comment on the measure before it, if justice to a noble relation (Lord Lansdowne) did not demand it. That noble person had, in 1782, as Secretary of State, written a circular letter, which had been commented upon by a right honourable gentleman (the Attorney General), in a manner which, highly as he respected that gentleman, truth obliged him to declare, was in the greatest degree unfair and uncandid. He had compared the transaction of 1782 with the present, though there could not be two measures more dissimilar; and to support that comparison, had brought about seven letters out of 140, which had been written in answer to the noble person's circular letter before the House, made them a comment on it, and thence drew inferences which, if the letters had been fairly stated to the House, could not be deduced from them. He then entered into a comparative statement of the two measures, and endeavoured to shew that they were in no point similar; and he thought it extremely unfair to judge of the meaning of a letter from

the answers to that letter, even supposing them to be fully stated, but still more so, when only seven out of 140 were brought forward; and so far from the letters alluded to having established the point, that the nation at large considered the circular letter of his noble relation as calling for a voluntary subscription, the majority of them, if produced, would shew that the reverse was the fact. He concluded by saying, that there was a wide distinction between raising a naval force, and empowering Ministers to raise a body of outcasts, who might be made use of by their employers for purposes hostile to the Constitution.

The ATTORNEY GENERAL said, when he heard that he was accused of a want of candour, he could not but rise to defend himself from the imputation. If the noble lord meant to convince the House that there existed those differences between the measures of 1782 and 1794, which he seemed inclined to assert, he was of opinion he had totally failed. In truth, for his part he must confess, there had not been adduced a single argument tending to that point, which in his apprehension was not perfectly contemptible. He reprobated, as trivial and idle, the distinction, as taken by the noble lord, between the army and navy, which he insisted to be totally unfounded, and again argued the propriety of producing the answers to the circular letters of 1782, as an evidence of what the measure was generally understood to be by those persons who wrote those letters. He did not adduce them as the only mode of construing the letter of 1782, but he produced them to shew that he was not singular in his opinion when he thought, "that by that letter the subject was called upon to shew his zeal by contributing in different shapes to the support of the Government." He again mentioned the counties of Lincoln, York, Devon, and Sussex, as having subscribed in consequence of that intimation, and so far from seeing any thing dangerous or novel in the usage, he said it had been the practice of the country for a century and a half, ever since the Revolution.

Lord WYCOMBE explained.

Mr. GREY insisted it was unfair and uncandid to select a small number of answers from a large quantity, as an argument to decide how the letter so often alluded to should be construed. He thought in justice the whole ought to be produced; and the learned gentleman might remember, that in a Court of Law, if he had refused to produce them, he (Mr. Grey) should be entitled to condemn them as absolute forgeries. He said, he did not go the whole length in his noble friend's distinction between the army and navy, because he was an enemy to all private subscriptions; but at the same time

he admitted there was a very important difference, inasmuch as our liberties could never be crushed or destroyed by a navy, that they might by an army. The learned gentleman continually boasted of his candour and feelings, but he wished rather to find them in his practice than in his speeches.

Mr. ROLLE said, that, to his knowledge, there were subscriptions in the counties of Devon and Cornwall in 1782, and if they were illegal, he would be glad to know why they had not been resisted and declared so.

Mr. RYDER said, he heard nothing like argument from the gentlemen on the other side, but mere assertion with the colour of fact. It was worthy of remark, that the same gentlemen who say that the present measure will destroy the Constitution, are the same who defended a similar one in 1782, on the pretext that it was not money, but arms and accoutrements, that were then subscribed; which was saying, that it was illegal to subscribe, if the subscription was in the shape of a guinea; but legal, if in the shape of a musket or bayonet. In such miserable distinctions he hoped that the safety of the Constitution was not to rest; and he trusted that that House would treat them with the contempt which they deserved.

Mr. CURWEN distinguished the measure now under consideration and that of 1782. He thought that the present was a measure to keep up a system of delusion among the people. He thought also, that if there was any danger the Minister should state it; and he hoped gentlemen of fortune would come forward and sacrifice at once all they could spare for the benefit of the public.

Mr. Chancellor PITT said, that unwilling though he was, on any occasion, to take up the time of the House, and universal as the assent to the principle of the Bill seemed to be, he could not resist the desire he had to give his sentiments on two or three points which had been substituted in place of argument by the gentlemen who opposed the principle of supplying the exigencies of the state, under certain circumstances, by voluntary contributions; and he could not refrain from calling the notice of the House to the way in which the argument had that night been managed. From the use which had been made of the argument respecting the letters, he said, one would be induced *prima facie* to suppose, that the whole merits and substantial principles of the question hung on the circular letter of 1782; but in order to get rid of the unavailing useless subtleties which were built on that, he would wave the force which this question derived from the authority of that in 1782, and for the time suppose that there had been no such letter, no answers to it, no meetings, no subscriptions—yet on a general view of the

laws and constitution of the country, as they appeared recorded in statute books, handed down by precedents, and confirmed by the first and most respectable authorities, legal as well as political, that the page of British history, or the records of jurisprudence, could boast of, and a fair construction of those laws and that constitution by principles of reason and truth, the measure would be found to stand on the firmest grounds, and to resist every attack that subtlety and ingenuity may make against it.—As to what had been said by a noble lord respecting the construction of the letter in 1782, it had nothing to do with the bill, but was merely an attempt to vindicate a particular set of men from a charge of inconsistence; and he put it to the consideration of the House, whether a great national question ought to be suspended, merely for the purpose of proceeding on the trial of a few gentlemen for inconsistence? As to the measure of 1782, so far from thinking it a subject of crimination, he thought it a measure highly laudable; but having thought it right in 1782, he should think it highly criminal to raise objections to it in 1794, when the country, as respecting not only its internal state, but its various relations with the rest of Europe, so much more loudly demanded the adoption of such a measure. And here, he said, an explanation of his principal motives for opposing the production of the letters in answer to that of the Secretary of State in 1782, came in with peculiar force, and would come more completely home to the bosoms of the House than at any other time: for producing the papers would be a virtual admission, that the merit of the present case hinged and depended on that of 1782, and those letters—an idea which, as he deprecated, he determined to resist *in limine*, and had therefore set his face against the motion for those papers, and was convinced that he was supported in it by the cordial sentiments and genuine opinion of the House. He must, he said, notice one observation, however, which had fallen from an honourable gentleman (Mr. Grey), namely, "That as the letters were not produced in form, he (Mr. Grey) would, in imitation of the practice of the Courts of Law, deny the authenticity of them, and say they were fabricated forgeries." Such terms might probably be used—he, for his part, doubted whether they would not be reprobated for their coarseness, even in a Court of Law; but he begged leave to remind the honourable gentleman for his instruction, that he was then in a Court of Parliament, and that his language was, to say no worse of it, more adapted to an Advocate at Law than a Member of Parliament. As to the authenticity of the letters, and the fidelity with which they had been cited, he was sure, that, whatever gentlemen might insinuate to the contrary, they must have the

means of judging within themselves.—" If they had the opportunity to count the letters, might they not possibly (said he) have the curiosity to read them also? or have the gentlemen, by some of those miraculous contingencies that exist more in the wide region of imagination than in the narrow limits of fact, met a list of the letters, by which they were enabled to discover the number, but not the contents?—I, for my part, doubt it, and must apply this plain and simple solution to the question, that they *will* not know the contents, because they are convinced that they make against them, and their arguments." At all events, such observations as he had just alluded to were irregular, indecent, and unparliamentary, and recoiled with tenfold force on those who used them. If, however, any gentleman still conceived that the letters were withheld from any other motive than that which he had already stated, he would tell such gentleman, that though he would, so far as his voice went, oppose their being laid on the table, he would answer for it, that there was no obstruction to their reading them in the proper office, and drawing any argument they could from the contents of them—and the replies too, if any there were, though the latter he had never been able to find. He therefore hoped that no concealment could be attributed to Ministers, and that the House would think, that resting the argument on them was irrational and unparliamentary. It had been asserted, as a striking difference between the case of 1782 and that of the present day, that the former was to be attended with no expence. Unfortunately for that part of the argument, the honourable gentleman had on a former night said, that though there was no levy money to be paid, the men were to be remunerated for their loss of time. There was therefore so far an expence; and, in arguing on principles, an admission of an infraction in part, amounts to an admission that it is broken in the whole. The distinctions of the noble Lord (Wycombe) all went, he said, to the mode of executing the measure, but not to the true constitutional point; for while he reprobated the subscribing for an army, he approved of raising subscriptions for ships, gave a number of cases which had been already mentioned in point by his learned friend (the Attorney General), and had added his contribution also, by stating an additional instance of the subscription for encountering the Spanish Armada—for which last instance of his favour he begged the noble Lord would accept his thanks; but while he conceived so much to be due to the noble Lord's politeness, he thought it was equally due to truth to say, that the noble Lord's distinction between the subscribing for a navy and an army was downright subtlety, mere fallacious casuistry, too flimsily co-

vered too, to escape detection even from the weakest discernment. "For, first, (said he) he states, that all voluntary contributions are illegal; yet admits that for a navy they would be justifiable—here then ends the great abstract principle. But then the subscription, not illegal *per se*, is vitiated by its being for an army—that is to say, the *ends*, not the *means*, vitiated the measure. And in the next breath the noble Lord contends, that the case of 1794 was adverse to the laws and Constitution, while that in 1782 was perfectly legal, because the same means (voluntary contributions) were not pursued, though the end was the same, namely, to raise an army; and thus the simple fact of raising an army in 1794, is to be the destruction of that Constitution, and the ruin of the noblest fabric which the wisdom of man has ever raised—but, in 1782, was so laudable, so legal, and so constitutional, as to be held up in contrast to the mischievous consequences threatened by the present measure."

Having stated the fallacy and absurdity of this mode of reasoning, he proceeded to shew, that though the Earl of Shelburne's Circular Letter was alledged by gentlemen to have excluded all idea of subscription, it was not so understood through the country—the county of Sussex, which had by public subscription raised and supported a large military force in 1779, 1780, and 1781, immediately on receiving that letter, and thinking it to imply a desire of subscription, set on foot contributions in consequence of it; and actually raised and grafted on her former establishment no less than three additional companies. Here then, he said, was, according to the principles now maintained by the very gentlemen at that time in power, a manifest violation of the Constitution—Why did they not then resist it? why not make it a subject of parliamentary investigation? And what, he demanded to know, was so properly an object of their jealousy, as an illegal and unconstitutional act, committed on the footing and authority of their own letter? They should have stepped forward, and saved their country from the impending ruin—But did they do so?—No! They knew the measure was legal, constitutional, and salutary,—although, unfortunately for the credit of their politics, their sentiments changed with their situations, and they now thought it illegal, unconstitutional, and mischievous!! He then proceeded to shew, that, taking them in a legal point of view, contributions were equally justifiable; and he established it by a variety of the most indubitable authorities. In the year 1746, he said, this very point was called in question, and decided unequivocally by Lord Hardwicke. On that occasion, many great men raised regiments at their own expence; and he wished to know

who that man was that would be so regardless of reputation as to say, that great men might legally, and with safety to the Constitution, subscribe, and that three or four hundred yeomen should not? Gentlemen had said, that if contributions were purely spontaneous, they were legal; but if made on the solicitation of Government, not so. To the spirit and principle of this distinction, he avowed that he would never assent: but taking for granted that it was so, no skill or ingenuity could rescue the case of 1782 from coming under that anathema; for he would maintain that the letter of the Secretary, and the plans inclosed in it, contained in them a solicitation which in 1794 would be called a mandate. He reminded the House, that in the year 1759, the city of London entered into large subscriptions. The county of Hants, by a subscription, of which he had then a list in his possession, raised 800 men—The Ministers of that day returned thanks in the King's name to the city for their contributions; and he put it to the sense and candour of the House to decide, whether the very act of returning thanks was not as strong a suggestion to other parts to do the same, as any specific invitation from Ministers could have been? Of the innumerable instances in which contributions had been solicited, that in 1778, he said, was the only one that met with opposition, though, in the whole of that war, it was practised at various periods, and divers places.—He here desired to pay the tribute justly due to the great persons who opposed the measure of 1778, (Mr. Burke and others): they were entitled to the highest respect; but yet the House decided against them, and left the point established and sanctioned by Parliament. But, supposing the opposition had succeeded then, it would not go to vitiate the present measure; it being, of all other cases, the least analogous to it—for the subscription of that day was to such purposes as the King should think proper to direct, whereas that at present proposed was to be applied by parliament to a particular object. Since that period too, viz. in 1779, 1780, 1781, many instances had occurred of a similar kind; and he maintained that it was presumption amounting to proof, that the acquiescence of the House in all those instances up to 1782, notwithstanding the agitation of the question in 1778, arose from a conviction of the legality, and the usefulness of the measure. And to confirm the House in the positions he had laid down, he said he would mention that the King's Speech in 1782, referred to the subscriptions, and particularly to a proffer of a man of war by a respectable gentleman (now Lord Lonsdale); that immediately after that, there appears on the Records an entry of a motion by Alderman Wilkes, to prevent contributions; and that, notwithstanding all those circumstances,

an addrefs, expreffing the affent and appprobation of the Houfe on that fubject was voted without a diffentient voice: fo that on the whole, it was juftified by precedent and practice; and as to the law, not one word appeared on the ftatute books to prevent fubjects fubfcribing for legal purpofes. Gentlemen, he faid, talked loudly of liberty, while they feemed to be moft willing to encroach on it when it anfwered their own purpofes.—He knew that a portion of individual liberty is often neceffarily facrificed for the general good; but it muft be in cafes where the general evil would be greater than the individual.—But in the prefent cafe, the firft liberty of the fubject, the right of difpofing of his own property, was attempted to be torn from him—while the general good would be promoted by the free exercife of that right, and the unreftrained enjoyment of that liberty. He then adverted to the ftatutes againft *Benevolences*, and fhewed that they were really ftatutes againft exactions—The people had been compelled to contribute, and Exchequer compulfory procefs iffued againft them, to exact that which was falfely denominated a free-will offering. It had been faid, that voluntary contributions intrenched on the great principle, "that the Houfe of Commons were the guardians of the public purfe."—But how did this principle truly ftand? How were they the guardians of the public purfe?—In this fenfe, that no power but Parliament could take money from any without the confent of the individual—But it was a forced affumption to fay, that individuals had not a right to give their own money for legal purpofes. That dominion which the Commons exclufively poffeffed over the general wealth of the nation, was a wife provifion to render the Executive Government dependent on Parliament, and by that means indirectly refponfible for the juft difcharge of their office: but the fact was, that in numberlefs inftances, that abftract right had been often intrenched upon, and yet it never tended to raife apprehenfions in any man. It was indeed, he thought, a ftrange, a chimerical mode of fpeaking, to fay, that at the moment when every thing in the circumftances of the times tended to pufh people to oppofite motives of action, that they were likely to make the King independent, and that they would confpire for the deftruction of themfelves, their property, and their Conftitution. The Navy and Army Eftablifhments, he obferved, in ordinary, amounted to four millions annually—In time of war much more was added—Yet while gentlemen argued that the fubfcriptions muft be inconfiderable, and inadequate to any material purpofe, the general tenor of their argument led to the fuppofition, that the voluntary contributions poffible to be raifed would be fufficient to furnifh, not only the Ordinaries, but the Extraordinaries

alſo, immenſe as they were—a ſuppoſition ſo abſurd, that it ſhould ſerve to excite pity and laughter rather than any ſerious conſideration.—Caſes which, though extreme, are yet not phyſically impoſſible, might be brought forward *ad infinitum*, in order to extinguiſh all thoſe principles of action which ariſe from experience and probability. Againſt ſuch extreme caſes there was no guard but the great improbability of their ever occurring; but what power, that even imagination could conceive, would be ſafe, if that principle of ſuſpicion ſhould be indulged to a degree to which art and ingenuity might ſtrain it? "We have already ſeen that which practice and experience has aſcertained to be ſafe: why then ſhould men rack their brains, and ſit in their cloſets, to form ſyſtems, which have already led to effects in practice ſo horrible that language is too imperfect to expreſs them? The real ſource of all this evil is the vain and falſe philoſophy of late ſprung up, which refers all things to theory, nothing to practice—which rejects experience, and brings the principles of ſcience to things capable of receiving them—which ſubſtitutes viſionary hypotheſes for the ſolid teſt of experiment, and bewilders the human mind in a maze of opinions, when it ſhould be employed in directing to action—and which would proceed, as it were, *per ſaltum*, from the indulgencies of theoretical ſyſtems to the execution of them; but the difference is wide, indeed, between the practice and the imaginary point to which thoſe Alarmiſts would carry things: that pedant politician who thinks to make a political machine perfect in all its parts, and regular in all its movements, thinks of that which can exiſt only in the imagination; the various checks and counter-checks by which he might hope to regulate its motions and correct its aberrations, would ſerve only to clog its movements, impede its progreſs, and overload it with difficulties." But, in ſome reſpects, he was governed in the preſent meaſure by a principle of another kind. He ſaid, that in contemplating the benefits likely to reſult from it, he could not help conſidering what ſentiments it proclaimed, and what effects it would have on the minds and opinions of the world; and though it had been argued that it would tend to mark men out, and raiſe invidious diſtinctions in ſociety, he would ſay, that if it ſerved the purpoſe of actual defence on the one hand, or of intimidating and overawing the enemy on the other, and baffling their plans, it was not to be rejected becauſe ſome perſons were leſs alive than others to the good of the country; and though one honourable gentleman had ſaid he would not ſubſcribe, and another had *handſomely* ſaid he would not give a *doit!* he hoped the number who were not alive to the intereſts of their country would be found to be but very few indeed. He ſaid,

that an act merely voluntary, having the sanction of Parliament, mixed the zeal and warmth of individual will with the power of legal authority, and gave an energy which no law could do. Individual zeal, he said, went beyond legal authority—And now, when the avowed enemies of the country abroad, and the latent enemies who lurk at home in her bosom, have wished to draw a line between the legislature and the people, it was more peculiarly important as to the impressions it must make at home and abroad, and would teach that enemy who had contributed to the suppprt of their usurped authority, by representing that their armies, on landing in and invading England, would be joined by a large portion of the people, that that people are, with few, very few exceptions indeed, as loyal to their sovereign, and attached to their Constitution, as they are brave, and determined to repel the encroachments of a perfidious, sanguinary enemy. For what, he demanded, was so likely to put an end to those menaces and insults, as to see individual exertion succouring and outrunning the voice and efforts of Parliament?

Mr. FRANCIS, in explanation, said, that the right honourable gentleman, to give a little colour to his argument, had been forced to change the terms of the Bill of Rights, and to say that money might be so raised, with the consent of Parliament. But consent was only a general, popular expression; whereas the word grant, the only one used in the Bill of Rights, was a strict, technical, parliamentary term, in which the specific amount, the time, and the manner, were invariably included. As to any contemptuous gestures or expressions, which the right honourable gentleman said he did not mean to apply to the Bill of Rights, Mr. Francis said, he should make but one observation; that the Minister was, in some sort, a privileged person in that House, and that he, of all men, should be most careful not to abuse his privileges. Mr. Francis concluded, with appealing to the House, whether the slight conveyed in the behaviour he alluded to, was not expressed before the right honourable gentleman heard one word from him on the subject. He had slighted his opinion before he knew it; but it was utterly out of his power to answer him, nor had he attempted it.

Mr. FOX said, he could not conceive why the right honourable gentleman should have thought it necessary to go so much into the business on the third reading of the bill, having said so little upon it before, unless it was because he saw that the measure was not adopted, in various parts of the country, with such eagerness as he expected. If the right honourable gentleman's speech was meant as a puff for the subscriptions, it was well adapted to its end; if it was meant as argument to persuade a House of Parliament that such sub-

ſcriptions were conſtitutional and legal, nothing could be more impotent and inconcluſive. The right honourable gentleman ſaid it was right to afford men an opportunity of ſhewing their opinions, and to convince the enemy that the war was not a war undertaken and proſecuted by the Engliſh Government, but by the Engliſh people. This, which the right honourable gentleman ſtated as an advantage, was one of the moſt material objections to the meaſure. Under ſuch circumſtances as the country was now ſaid to be, a Stateſman, far from ſeeking opportunities of exaſperating oppoſite opinions by forcing them into colliſion, would endeavour to ſoften and conciliate. No man, after being told that the ſubſcriptions were propoſed as the teſt of his opinion, could be imagined to feel ſubſcribing or not ſubſcribing as a matter of indifference. He muſt know that, if he did not ſubſcribe, he was to be held, in the eſtimation of at leaſt a very powerful part of his fellow citizens, as entertaining opinions of the moſt ſhocking tendency. It was ſaid that from a voluntary ſubſcription there could be no ground for apprehenſion, becauſe if the people ſuſpected that it might be employed againſt their liberties, they would not ſubſcribe; and if they did ſubſcribe, the deluded people of France muſt ſee the falſehood of what their rulers were daily telling them, that the Engliſh Government, not the Engliſh nation, were their enemies. He was ſorry to ſee, that, for a conſiderable time paſt, not the Engliſh Government, but the Engliſh nation, had been held out as the object of abhorrence to the people of France. But ſuppoſing the caſe to be otherwiſe, the rebels of France would ſay to the people, " Mark the number of the ſubſcribers in England; they are the only perſons who are averſe to our principles, all the reſt of the Engliſh are obviouſly our friends."— All this aroſe from the miſchievous diſtinction attempted to be made between the rich and the poor; claſſes of men who were taught to believe that they had ſeparate and even oppoſite intereſts in ſociety, while their true intereſts were one and the ſame. What was the common language of the French? That the rich only were their enemies, the poor all their friends. Would not the ſubſcriptions inflame all this language; and enable them to ſay, " The rich only, and perſons connected with Government, will contribute to the defence of the country; all the reſt of the people are ready to receive us with open arms." But the meaſure would not even mark the diſtinction which Miniſters pretended to expect from it. Many perſons, as zealous for the war as Miniſters themſelves, might object to ſubſcriptions on the recommendation of the Crown, as unconſtitutional; many, who, with him, thought the war unneceſſary and impolitic, would do ſo too; and yet Miniſters knew that both deſcrip-

tions would be as ready to oppose a foreign invasion as Ministers themselves. In 1778, when voluntary subscriptions were opposed, were not France and Spain on the point of declaring war? Was any man supposed to oppose them because he wished the country to be invaded by France? What Englishman did not as much abhor an invasion of his country by Louis XVI., great as the moderation and the virtues of that Monarch were, as by Roberspierre and Danton? Were Marcus Aurelius to revive from the dead, who would not subscribe, if necessary, to oppose any invasion by his arms? The question was not who was the invader; the resistance was made to a foreign foe. The right honourable gentleman had enlarged on the impossibility of arriving at perfection, a position of which most of his hearers were probably convinced before. The exertions of human creatures were not to attain perfection, but to come as near it as they could. But how did this apply? Those who thought with him, contended only that calling for voluntary subscriptions was a prerogative which the Crown did not possess; while those who took the other side said the King must possess the prerogative because human institutions could not be perfect. In what respect would denying this prerogative clog the wheels of Government? could any instance be pointed out in which the country would suffer if such a prerogative did not exist? But then, it was said, a prerogative that can do no good can do no harm. The prerogative in question might be efficient for mischief to the country, but never for good. While no danger was apprehended to the Constitution at home, men's confidence in Parliament for providing for the defence of the country against danger from abroad, would make them think it unnecessary to be eager in coming forward with individual subscriptions; but for purposes of mischief tending to subvert the Constitution, in which many might be interested, and for which Parliament would not provide, individual subscriptions might be large and dangerous. He disdained the defence set up by the right honourable gentleman for the proceeding in 1782. Rather than defend it on such grounds, he would frankly own that it was inconsistent with the opinion he held in 1778. In the letter of the Secretary of State on that occasion, he saw nothing analogous to the request for private subscriptions. It did not even contain an allusion to any subsequent application to Parliament; a clear proof that it was not meant to convey any request for raising money. If he had been capable of erring on that occasion, the other Members of the Cabinet, and the Marquis of Rockingham who was at the head of it, a man whom, both on account of his public character and his private worth, he could never mention but with reverence and affection, would not have suffered

it. The measure now adopted was inconsistent with that of 1782, as was the measure of 1778; and those who had opposed the subscription of 1778, and supported the present, were the persons to whom the charge of inconsistency applied. His having suffered the address of December, 1782, in answer to a speech from the Throne, alluding to subscriptions entered into after he was out of Administration, to pass *nem. con.* was no reason for saying that he approved of those subscriptions. A right honourable gentleman, (Mr. Burke) in terms the most eloquent and splendid, objected to almost every part of that speech, and yet suffered the address to pass without moving an amendment. The answers to the letter from the Secretary of State of 1782 he had no means of seeing, although they were constantly made the ground of argument against him. It was of little consequence to be told, that they were not referred to as proofs of inconsistency, for unless he could say, with some other gentlemen, that he thought one way then, and another way now, the arguments built upon them could prove nothing but inconsistency. The right honourable gentleman who had refused to produce them for the information of the House, had now offered to shew as many of them as he could. He regretted that the offer was made just at the time when a discussion upon them was likely to be at an end. He should have thought that the right honourable gentleman who warned an Officer (Sir James Murray) not to give any information to the House unless called for by a vote, would have warned his learned friend (the Attorney General) against producing, as matter of argument, papers which he could not suffer to be laid before the House as matter of information. The attempts now made to prove him inconsistent were highly flattering: for what could be more flattering than to rest the defence of a measure almost entirely on some opinion that he was supposed to have entertained twelve years ago? In 1782 the whole measure proceeded upon a principle in which he and the noble Lord (Shelburne,) then Secretary of State, agreed, however they might differ on other points, viz. that the people had a right to arm in their own defence, without the orders of Government. On that occasion no man was called upon for money; the expence, whatever it might be, either in arms or in time, was to be paid by Government. On the present, money was the only thing asked for. He undertook not to maintain the legality of giving ships to the Crown by subscription, although of that, as a noble Lord (Wycombe) had truly said, the danger was small, because ships could not be manned without money. In the present instance an army was to be levied by the King with money given him without the consent of Parliament. If the measure of 1782 was similar to this, it was strange that those

who disapproved of the subscriptions in 1778, should not have told him of it at the time. If it was true, as contended for, that the King had the prerogative of landing foreign troops, he might now get money to pay those troops by voluntary contributions. The fund would probably last for a very short time; but when the troops were landed, and so paid for any given time, he should be glad to know how long the subscriptions would be voluntary? Men who refused to subscribe would then be marked in a very different way from that in which it was now supposed they would be marked. That such power could not exist in a free Constitution, it was easy to maintain in defiance of all precedents. He proceeded to examine the several precedents; and shewed clearly that they did not apply; he observed that those who thought the degree to which a principle was carried in politics to be every thing, ought to see the necessity of watching and resisting the very first degree from the manner in which things inconsiderable in themselves were drawn into precedent. An invasion by the French, as he had before said, was equal in all possible cases. It was a thing which every man must resist, not only with his property but his life; and what greater peril could be stated? No man could now be said to refuse subscriptions upon the same grounds as certain persons were supposed to have done in 1745. Then it might be possible, although he did not know it to be so, that some persons might feel themselves in such a situation, as to think they could be bettered by restoring the House of Stuart to the Throne. Was there a man in that House who could be bettered by a successful invasion of the French, who, under such a calamity could even hope to be safe? Those who were the most apt to throw out the insinuation did not themselves believe it, because they knew it to be impossible. The right honourable gentleman said the subscriptions were desirable, in as much as they would draw forth men's opinions. Would he say, as a man of honour, that he believed any person who refused to subscribe had a French ticket of civism in his pocket, or held a French invasion in less abhorrence than he did himself? Here then was a new objection, viz. that people might feel themselves forced to subscribe under a menace of the severest kind, namely, a menace to their reputation as good citizens. Under all these objections, and finding it not relied upon as a measure of finance, for the right honourable gentleman had owned that he expected little from it, he must persist in his opposition.

Mr. Chancellor PITT said, he had only argued that the right honourable gentleman moved no amendment in the address of December, 1782, and therefore must be understood as not having disapproved of the subscriptions alluded to in the speech. In proof

of this, he read an extract from the Journals. He had not recommended the present measure as tending to mark the sentiments and opinions of men, but as tending to give vent to the general voluntary disposition of the country. He had made no distinction between the rich and the poor. He had looked at large to the subscriptions of the one and the personal service of the other.

Mr. FOX said, the extract from the journals proved only that there had been some debate upon the occasion, and that he himself, in particular, although he moved no amendment, had stated the same opinion, which he maintained now.

The SOLICITOR GENERAL said the opposition to the measure seemed to him intended only to alarm people, as if there were some intention of subverting the Constitution. The doctrine that the people had a right to arm themselves without the authority of Government was the most dangerous he had ever heard. He entered at large into a defence of voluntary subscriptions, which he said were justified both by law and ancient practice. No subscription was illegal, unless for an illegal purpose. If a great majority of the country wished to change the Constitution, a resolution of Parliament would be no obstacle. The supposition of foreign troops being paid by voluntary subscriptions, was as impossible as the supposition that any Member of that House could wish success to a French invasion.

Mr. M. A. TAYLOR said, he could assure the House that it was not his intention to detain them long, and therefore he hoped for a patient hearing. He was strenuously against all subscriptions and levies of money from the subjects, as gifts to the Crown, without the sanction of Parliament, and the more so, as the sums so raised must be at the disposal of Government, and applied in any manner, and for any purpose, that the Ministers of the Crown might choose. He noticed what had been said by a right honourable gentleman about those who had the efficient means, and did not subscribe, as being what he called marked men. He, for one, was no ways afraid of any threat of that sort, and in whatever sense he was to be reckoned a marked man, he would always do what he considered to be his duty, in and out of that House. On the present occasion he would not hesitate to say, that he not only would not subscribe himself, but he would advise his Constituents, and all others with whom he had any influence, not to subscribe. because by so doing he knew he was acting up to his duty. When the right honourable gentleman had said so much about efficient means, every one must have reason to think that he would come forward (and he had not so bad an opinion of that right honourable

gentleman as to doubt it,) with subscribing the emoluments he derived from the Cinque Ports, and his other domains in the county of Kent. As to what had happened in 1782, however it might be thought to apply to some gentlemen, it certainly could not to those who were not in the House at the time. He adverted to some insinuations that had been thrown out respecting his legal knowledge and abilities; but there had been times when the same right honourable gentleman had chosen to consult him, and when his opinions were found, on the result, not only to be strictly legal, but such as he was obliged to come into. He dwelt particularly on the Westminster scrutiny. He then took particular notice of Mr. Windham's conduct and arguments at a county meeting held at Norwich, which went directly against the legality as well as the expediency and policy of the measure.

The Speaker then put the question, "That this bill be read a third time," which passed---after which,

Mr. Serjeant ADAIR rose, and said, Conscious as I am, Sir, how little claim I have at any time to be honoured with the attention of the House, I cannot but feel myself under peculiar disadvantage, in being obliged to trespass upon their patience, when I perceive that it is already fatigued and worn out; and I certainly should not, at such a moment, submit a new question to their consideration, if it could be brought forward in any other stage of their proceedings. One benefit, however, I shall derive from the long debate that has preceded the motion which I rise to propose, that it has wholly removed one objection to it, as tending to renew the discussion of a legal question, on which, after much argument on a former day, the House has declined giving any decided opinion.—That discussion has been renewed in its full extent, when no motion of mine was before the House; and notwithstanding the lengths that others have gone in that argument, I shall certainly adhere to the determination I stated when I gave notice of my intention that I should not call upon the House for any express decision on the abstract question of law. And not calling upon the House to decide it, will be unnecessary for me to enter much into the argument, or give any explicit opinion of my own.

The clause, Sir, which I now propose to be added as a rider to this bill, is to give an express authority to receive voluntary subscriptions for the purposes of this act, and to direct the application of those subscriptions, without any preamble declaring the law one way or other upon the subject.

Such a clause will not alter or affect the law, as it stood before the passing of the act; for I appeal to my learned friends on the

other side of the House, whether it is not an established maxim, that a statute made in the affirmative, does not take away the common law, without any negative expression.

On the question of legality, there has undoubtedly been much difference of opinion. The legality of subscriptions for *any public purpose whatever*, without the sanction of Parliament, has, on one side, been *unqualifiedly* denied. On the other side, it has been asserted with certain qualifications and restrictions. I trust, Sir, that I shall be able to satisfy the House, that whether the measure in itself be legal or illegal, the clause in question is necessary and expedient. If the measure is in itself illegal, there can be no room for argument. The necessity of a clause of this nature is self evident, and the clause must either be adopted, or the measure of subscription given up. I shall therefore proceed, on the supposition that the measure, with the qualifications annexed to it, is legal, on which ground alone there is any question to be argued, and shew, that even on that supposition, the proposition I now make, if not absolutely necessary, is at least expedient.

That the guardianship of the public purse is the most important privilege and sacred duty of this House, no man will stand up to deny. The constitution of this country has entrusted great powers with the Executive Government, and gives high prerogatives to the Crown. In my opinion, Sir, those prerogatives have been wisely given, and those powers most usefully entrusted. It is no mean advantage, that this country has a stronger Executive Government than any other free country upon earth. For so long as the strength of the Executive Power is properly checked and balanced, it gives more vigour and activity to our measures, more energy to the laws, more firmness and stability to the tranquillity and order of the State, and more sure and efficient protection to the rights and liberties, the property and safety of the people. But what is the grand weight which balances, the check which controls, those powers, and renders them as safe as they are useful to the public weal? Sir, it is the possession of the public purse exclusively, and jealously retained by the representatives of the people. This, Sir, is the constant argument, and a powerful one undoubtedly it is, against all objections to the King's prerogative, which are drawn from the possibility of abuse. Money, it is said, is the nerve of power; without money nothing great can be attempted, and money can only be had through the intervention of the House of Commons.

Is it alledged that the acknowledged prerogative of the Crown, in declaring war, may be injurious to the State, by involving us in dangerous and unnecessary contests? The ready answer is, that the

ſupplies for carrying it on, cannot be had, unleſs it is approved by Parliament. Is the queſtion, on the more doubtful and obnoxious power of raiſing troops in time of war, or bringing foreign ſoldiers into the kingdom? The moment it is ſaid that they may be employed in a manner dangerous to the liberties of the people, a hundred voices are heard to exclaim, that our alarm is groundleſs; for troops will not act without being paid, and not a ſhilling can be had to pay them, without a parliamentary ſanction.

This valuable privilege, which is the very mainſpring of the conſtitution, has been maintained by this Houſe with a jealouſy that may be called extreme. So ſcrupulouſly has it been aſſerted, even againſt another and moſt reſpectable branch of the Legiſlature, that if a bill comes down from the Lords, containing the wiſeſt, the moſt important, the moſt ſalutary regulations, if theſe regulations are to be enforced by a penalty, or effectuated by a licence or a ſtamp, the whole is rejected, without debate, becauſe it may convey a few ſhillings into his Majeſty's Exchequer, without having originated with the Commons.

Suppoſe, then, for argument ſake, that the meaſure of ſubſcription, with the qualifications that have been annexed to it, was perfectly conſiſtent with law; and that Parliament, having ſanctioned the purpoſes intended by Government, has by that means given an implied ſanction to any mode that may be adopted for raiſing a ſupply to carry thoſe purpoſes into effect; ſhall we, Sir, be peculiarly fond of encouraging an unneceſſary reſort even to legal means, of raiſing a ſupply, *without the intervention* of this Houſe, when *that intervention*, inſtead of obſtructing, would aſſiſt and facilitate the meaſure? Shall we, if legal means for thoſe purpoſes can be found, be content, by our ſilence, to ſuffer precedent to be heaped upon precedent, till thoſe legal means of ſupplying a particular occaſion, be converted into an ordinary channel of ſupply, and a regular ſource of revenue? Would this tend to increaſe the conſequence of this Houſe, or to ſtrengthen the principles of the conſtitution? No, Sir, it is our duty even officiouſly to interfere in every propoſition, legal or illegal, for raiſing a ſupply of money, for the public ſervice of the State. If we blame, we ſhould cenſure and prevent; if we approve, we ſhould authoriſe and aſſiſt; but we ought never, if we are ſitting, on ſuch an occaſion to be ſilent. If theſe principles are right at all times, they are peculiarly neceſſary to be attended to at the moment. If any of us are alarmed at the dangers of licentiouſneſs and anarchy, let us recollect what is the favourite doctrine of the factious. It is, Sir, the claim of the great maſs of the people to judge and to act in matters of State fo-

themselves, independent of the authority, and without the intervention of their representatives. Is this, then, the precise moment, when it is politic and prudent for Government to call upon the body of the people to exercise individually one of their most important functions, and to grant a supply to the Crown, without the express sanction of Parliament?

Sir, though I do not mean to enter into the abstract question of the legality of voluntary subscriptions, *for purposes that have been approved* by Parliament, there is one assertion that has been made to-night, by the right honourable gentleman opposite, (Mr. Pitt) that I cannot pass over in silence. It is, "that the principle that "this House is the exclusive guardian of the public purse, applies "only to the case of *compulsory levies*, and not to that of *voluntary* "*contributions*." This assertion completely does away the qualification, which had before been argued upon; that the purposes to which voluntary subscriptions were to be applied, should have received a parliamentary sanction. It was not to be tolerated for a moment. What, Sir! if the House of Lords were to think fit to vote a *voluntary supply* to His Majesty, from their own purses, would this House bear to be told they had no concern with the measure, because it was a voluntary act, and Exchequer process could not issue against their Lordships to enforce it? And if the popular Convention, which some factious men have dared to talk of, should dare to assemble, and offer a *voluntary supply* to the King, independent of their Representatives in Parliament, I trust, and I am assured, that the right honourable gentleman himself would be one of the first to tell them, that such a proposal was a dangerous violation of the privileges of this House, and high treason against the constitution of their country.

Should the legality of subscriptions *to purposes that have been approved by Parliament*, be admitted in its fullest extent, still the interposition of the Legislature is not only expedient but necessary; for by what authority can the applications of those subscriptions, when received, be restrained or regulated? What constitutional security can we have that they may not be diverted to other purposes, if Parliament is silent on the subject? But if we go still farther, and not only admit the legality of subscriptions, but give the most implicit confidence to Ministers for the due application to the purposes for which they are subscribed, what is to become of the surplus, if any should remain, after those purposes are carried into effect? Must not that, Sir, be disposed of by the direction and authority of Parliament; or under what other authority is that disposition to be made?

We have heard much, Sir, and, in my opinion, not without reason, of the mischiefs that may arise, in times like the present, from the unnecessary agitation of general constitutional questions. The clause which I have now the honour of proposing, will put an end to all discussion, for the present, on the question of the legality of subscriptions, by expresly legalising them in this instance, without any general toleration on the subject, that can alter the law as it now stands. And it will not only prevent those discussions in Parliament, but where, if they are mischievous at all, they are unquestionably much more so in clubs, county meetings, and other popular assemblies. If the legality of the measure is objected to, and we know it has been, and as I am sure it will again be, both by those who are sincere in the objection, and by those who will make it a pretence, the express sanction of Parliament gives a short and decisive answer, without any discussion of the subject.

I heartily join, Sir, in the hopes, or at least in the wish, that the people may be as forward in support of the war we are engaged in, as the right honourable gentleman expects. But surely, if it be so important, as he represents it, to make that zeal conspicuous to all Europe, and if it be wise (which may, perhaps, be greatly doubted) to hold forth a concurrence in subscription, as a criterion or test of the general disposition of the nation, it is wise that such a measure may be offered to their view with all possible advantages, and stripped of every unnecessary objection. An express parliamentary sanction cannot check the ardor of any one individual in the kingdom; it may remove the objections of some, defeat the pretences of many, and operate as a recommendation to all. If the real object of Ministers be, as I believe it is, that the proposal of voluntary subscriptions should substantially assist and invigorate their other measures for national defence, they can have no motive for rejecting a parliamentary provision, that by removing objections, tends to unfetter the zeal of the people, and to promote and animate the spirit of liberal contribution. But if their principal object be, to establish precedents for raising supplies without the intervention of the Commons, that indeed is an object which the clause may in some measure impede, but which, I cannot easily persuade myself, will meet with the support or concurrence of this House.

From the lateness of the hour, and the fatigue of the House, I have thought it necessary to omit much of what I intended to have said. I have merely stated the general grounds which have urged me to come forward on the present occasion, and shall trespass no longer on your patience, but shall propose the clause I have pre-

pared, and trust to the manifest expedience of the measure for its farther recommendation to the House.

[The Master of the Rolls declaring he should oppose the clause being brought up, Mr. Serjeant Adair desired to read it in his place, for the better information of the House, which he did as follows:]

"That individuals having entered into subscriptions to raise money as an aid to Government, the same should be paid into the Receiver of the Land Tax in each county, and receipts granted by him for the respective sums received; that those sums should be paid in to the Receiver General of His Majesty's Exchequer, and similar receipts given by him, the whole to be applied only to such purposes as were intended by the subscribers, under the authority of, and particularly specified in, this bill. And if any surplus remained in the hands of the Receiver General of the Exchequer, to be applied only as Parliament might think proper to direct."

The MASTER OF THE ROLLS objected to the bringing up of the clause, as equally improper and unnecessary. He declared his opinion to be decidedly in favour of the legality of the measure, and considered the subscription as exactly similar to bounties offered to seamen, or for raising men to particular corps, which never had been deemed illegal. The conduct of the city of London on many occasions had been the same as that of the counties, and never was challenged. He saw no necessity or propriety in the Exchequer having any thing to do either with the receipt or issuing of the monies so raised.

Mr. SHERIDAN said, that he supported the motion, although it was with reluctance that he gave his consent to any motion of the kind. He remained convinced of the illegality of the measure altogether, and of its being an unfit mode for the Government of the country to resort to for supply; but if it was forced upon him, he would prefer undoubtedly that it should receive the sanction of Parliament in the way that the clause of the learned serjeant proposed than that it should stand as a matter of undisputed right. He would not go again into the question which had been discussed at so much length, but he must take notice of one argument which had been used, and which in his mind, was weak and childish to a degree of imbecility. It was that these benevolences were not to be objected to on account of their smallness, and that the argument could not apply to them as unconstitutional or dangerous in the degree to which they could be carried. Nothing was so certain, that principles of this important kind must be sacred, and that they could admit of no degrees. If once they acknowledged the right of the Crown to apply for revenue to the people, otherwise than through the channel of that House, the very first and most important bond

for the maintenance of all their privileges was cancelled. The House knew well how jealous they were of the Lords' interference in a money bill; they would not suffer them to alter an iota in a bill which laid even a fine of two-pence on the subject. And yet they were to suffer this measure to pass without check, which thus might grow into a most mischievous practice, and become infinitely too great for their future controul.

Mr. WINDHAM said, that he understood that an allusion had been made to him in his absence, on account of some supposed inconsistency which had been discovered in his conduct now, and in the year 1778. It could not be on account of his supporting the present, and opposing the then war, for it was not denied but that a man might with perfect consistency approve of one war, and disapprove of another. It must be some inconsistency in his language. When this was stated the other night he was unable to say with accuracy what had been his language at the meeting in Norfolk, in 1778, but he hoped he had said no more than that doubts existed about the legality of private subscriptions; and perhaps, in the heat of debate, he would not answer how far an eager desire to promote his immediate purpose might have carried him, in the assertions that he made use of. But by the document which the industry of honourable gentlemen had discovered, it appeared that nothing could be more subordinate in his consideration at the time than the argument of the illegality of such subscription. It was brought in as a secondary idea only, the main argument being the general disapprobation of the war, which it was the object of the subscription to support. There had been objections made too to the description of regiments, which were to be employed as coming from a part of the country which was not cordially approved of. But he would not say, that in the eagerness of the debate, he had not perhaps made use of expressions with inconsiderate warmth; but if he had done so, he did not find them even in the document which had been put into his hand, and which he had, he owned, but slightly perused. He then replied to Mr. Sheridan's argument about the sacredness of principles. It certainly was no proof of weakness or imbecility to say, that that might be true of the whole, which was not so of the degree; on the contrary, it would be a proposition founded on the greatest fallacy, to say that that, whose character, distinct and entire, might be dangerous, was also dangerous in its degrees. There were few questions either in politics or philosophy of which this would hold good; but, on the contrary, he could shew by a thousand illustrations the converse of the proposition. Speaking of a nuisance, for instance: A man might build a wall so high as to

intercept the light of a window; but building the wall only four feet high, not reaching the window, could not be called a nuisance in degree. A water rising two feet, might overflow the adjacent country; but the rising of the same water six inches would do no injury, and could not be called a proportionate part of the nuisance. So in like manner of these subscriptions, it might be reasonably argued that they were not unconstitutional on account of their smallness, but that if carried to a great height they might be so. This was the honourable gentleman's argument on a former night. The revenues of the Electorate of Hanover were not considered as dangerous, but those of the kingdom of France would have been so; the one was suffered only on account of its degree: in truth almost every thing depended on its minuter distinctions. A man might go through the Ten Commandments, and say, "Thou shalt not steal;" "Thou shalt not commit murder;" and say that there could be no argument about degrees, but that theft was theft, and murder, murder; and yet the sagacity of the Courts of law, was almost wholly conversant about the degrees of these crimes; large discretion was given in all decisions, and it was constantly an argument for statesmen, philosophers, and lawyers, how much should be established by rule, and how much be left to discretion. This was what he recommended here: the House would do what they had always done. They would not choose to interfere, till they saw reason from the magnitude of the danger. But why did the House from jealously prevent the other House of Parliament even from interfering in a money bill, to the amount of a two-penny fine? Why? But because they had always done it; it was their practice. It would be as much an innovation, not to prevent their interference, as it would be an innovation here to interfere. It was the practice to prevent their interfering, from the dread that they should creep on little by little, and that their interference should grow into usage. But no such dread had been taken up with respect to the measures of subscriptions: and the whole course of parliamentary practice for one hundred years, was in favour of their passing it over, and the Constitution had not suffered, and was in no danger of suffering.

Mr. SHERIDAN, in explanation, said, that there were fundamental principles in Government and Constitution, which could not be entrenched upon in any degree, and such as their ancestors had been careful should not be violated. *Principiis obsta*, was the doctrine which in just jealousy they had acted upon, but which the right honourable gentleman, in his deliberate reply to a former speech, was desirous to abolish.

Mr. W. SMITH ſaid, that Mr. Windham would find in the record of his ſpeech in 1778, that he had called private ſubſcriptions for Government unconſtitutional. How he could ſay that that was unconſtitutional in 1778, which was conſtitutional in 1794, he left to his ideas of conſiſtency to determine.

Mr. DRAKE begged leave to ſay a few words in this minor debate. He wiſhed to explain why he ſhould appear in new company. He was for the clauſe, becauſe it did not tend to throw the ſlighteſt imputation upon his Majeſty's Miniſters, who had received every ſupport in this moſt juſt and neceſſary war; a war declared juſt, not only by their country, but by the ſiſter kingdom, which had truly proved itſelf a ſiſter kingdom, by approving of the war unanimouſly. But he chiefly approved of the clauſe, becauſe it would remove all doubts from men's minds—would clear the ground for all men to come forward, and would "delightfully comprehend all the arguments, and all the ideas, and all the wiſhes of the people on the ſubject."

Mr. Chancellor PITT ſaid, he roſe only to direct a few words to the honourable gentleman who ſpoke laſt. He objected to the clauſe, not merely becauſe it pretended to throw doubt on the legality of the thing itſelf, but tended alſo to embarraſs and encumber the meaſure. He had ſaid, that a contribution purely voluntary to be applied to ſervices within the county, where the application of it was to be under their own eye, was perfectly loyal, and would call forth all the zeal of the country. What did this clauſe propoſe? To take it from themſelves, and to put it into the hands of the Crown, to be at the diſpoſal of Parliament. As the clauſe ſtood now, the application was to be confined to the purpoſe of the volunteer corps only, whereas as it firſt ſtood, it might be beneficially applied to other purpoſes, ſuch as the payment of the militia, and the new corps of fencibles; ſo that, independent of his fundamental objection to the clauſe, he conſidered it as inconvenient, embarraſſing, and calculated to retard the object.

Mr. GREY ſaid, that he was certainly under ſome difficulty in giving his vote. He diſapproved of the meaſure *in toto*; but as he ſaw that it was to be perſiſted in, he thought it prudent to give the meaſure a parliamentary ſanction; and he would therefore adopt the clauſe of the learned Serjeant, as the leaſt objectionable of the two. The right honourable gentleman now talked of extending the meaſure of the ſubſcription to other objects. Every day they were plunging deeper into myſtery, innovation, and violence. Where was all this to end? The honourable gentleman talked of walls and rivers, in order to make nice diſtinctions about the degrees of mea-

sures, and to say where alarm ought to be taken, and where not. That gentleman would have found the truer way to preserve the high character which he once possessed in the country, would have been to maintain plain sincere consistency in his language and actions. In defending a fortress which was attacked, should he not act the moment the enemy broke ground, or must he, upon his principle, stay till their works were complete? *Principiis obsta* was the true lesson of wisdom which they had learnt from their ancestors. It was not enough for him to be told of former neglects of that House. Precedents did not justify negligence; nor did usurpations establish right. But it so happened that there was not a single precedent to justify the proceeding. It was with considerable pain that he heard a right honourable gentleman, like Mr. Windham, treat so lightly his former opinions. That he should say he had perhaps taken up with inconsiderate warmth arguments which he could not justify, for the sake of carrying his object for the moment, and that he should do this at a solemn meeting of his county! What must be thought of a right honourable gentleman acting with such lightness? What must he think of himself upon reflection, when he thus chose to fly in contradiction, not only to his opinions given at this meeting, but on former questions in that House—when he argued for the production of papers on the Spanish and Russian armaments, and opposed the concealment "as the beginning of a system of confidence"—and when he flew out into his violent Philippic against the right honourable gentleman (Mr. Pitt) on account of the job of the Secretary of the Treasury (Mr. Rose) in the Westminster election! Was the smallness of the object an argument for his acquiescence? No. He had not departed from the opinions and principles of the men with whom he had acted through his life, and he would be more likely to preserve his influence in society, if he would still remember his former doctrines, and square his present with them.

Mr. WINDHAM and Mr. PITT explained.

The ATTORNEY GENERAL objected to the clause, and said that he had not proposed the previous question on a former night, because he doubted of the legality of the measure, but because he objected to the motion as an abstract question.

Mr. FOX rose, he said, merely to explain the vote he should give, if called upon to vote at all. He was for the clause as the least of two evils. As the measure was to be persevered in, he was willing to legalise it by the insertion of this clause, which however he should like better if it declared a doubt of the legality. It certainly declared no such doubt; and why it was argued so, he knew not. There were certainly no precedents in point. That of 1746

could not be called in point, as it was a caſe of extreme neceſſity. That of 1782 was not a queſtion of ſubſcription; that of 1778 was the moſt in point, and he was one of the reſpectable minority who declared their ſentiments on that point. That minority had conferred great and moſt eſſential benefits on the country, and (turning to Mr. Windham) he ſaid it was with extreme pain that he ſaw all the acts of that minority frittered away one by one, and that by perſons who were the moſt inſtrumental therein, and the moſt intimately connected with the leading characters who compoſed it.

The motion for leave to bring up the clauſe was then put and negatived without a diviſion.

Tueſday, 8th April.

The order of the day being moved for first of a bill to enable the ſubjects of France to enliſt as ſoldiers, and to enable His Majeſty to grant commiſſions to them under certain reſtrictions, the bill was read accordingly.

Colonel MACLEOD obſerved, that if Miniſters employed perſons to enliſt emigrants in this country before the preſent bill had received the ſanction of Parliament, they were acting upon the bill before it was paſſed into a law. According to this precedent, Miniſters might raiſe regiments of foreigners in the very heart of the metropolis, without the conſent of Parliament. At this period, there were ſeveral hand-bills diſtributed through different parts of the city, that invited foreigners to enliſt. This was a proceeding that he reprobated. He would aſk the right honourable gentleman (Mr. Pitt) whether he knew that ſuch a hand bill was in circulation —whether the meaſure met his approbation or diſcouragement—or whether the right honourable gentleman intended to proſecute thoſe perſons that had ſo offended? This was a conſtitutional queſtion, and deſerved the conſideration of the Houſe. If he did not receive an anſwer to his queſtion, he gave the right honourable gentleman notice, that he would bring the matter forward in another ſhape.

Mr. Chancellor PITT ſaid, that he did not rightly underſtand what the honourable gentleman's (Colonel Macleod) idea of a conſtitutional queſtion was, unleſs it was to put a queſtion in a very uncivil manner; for the queſtion the honourable gentleman put to-day, he had put yeſterday, to which the honourable gentleman had then received for anſwer, that he was totally unacquainted with the circumſtance; ſince that time he had no opportunity to enquire into the matter. The honourable gentleman had ſaid a great deal about a conſtitutional queſtion, but had not explained what this conſtitutional queſtion was.

Colonel MACLEOD replied, that he had explained it yeſterday; the circumſtance was known to every body. In a Lane that led into Fleet-ſtreet, theſe bills were diſtributed, in which ſix guineas bounty-money were offered to emigrants of a certain ſize, and five guineas to perſons of another ſize.

Mr. GREY ſaid, he had ſeen ſome of the hand-bills that invited foreigners to enliſt. This was an illegal and unconſtitutional meaſure. It became Miniſters to inquire into it. If ſome inquiry was not made, and ſome ſatisfactory anſwer given to the queſtion that was put by his honourable friend, he was perfectly ready to ſupport any propoſition that his honourable friend ſhould bring forward in conſequence.

The bill was ordered to be read a ſecond time on Friday next.

Sir CHARLES BUNBURY, after premiſing that it was extremely hard that the poor ſhould be obliged to pay a duty towards defraying the expence of amending and repairing the high-ways, moved for leave to bring in a bill to amend the 13th of His preſent Majeſty, intitled, "An act for the better regulating, amending, and keeping in repair, the high-ways, and for exempting certain poor people from the payment of duty, in conſequence thereof."

Mr. JOLIFFE obſerved, that nothing was more unfair and unjuſt than to oblige the poor to pay a duty, in order to defray the expence of repairing carriage-ways.

Mr. BUXTON applauded the honourable Baronet for bringing forward the bill; he ſaid, the ſituation of the poor at preſent required the ſerious attention of Parliament. The honourable Member hoped, that the bill would be paſſed this ſeſſion.

The queſtion for leave to bring in the bill was then put, and agreed to.

Mr. Chancellor PITT moved the order of the day, for referring His Majeſty's meſſage to the conſideration of a Committee of the whole Houſe.

The order of the day being read, the Houſe reſolved itſelf into a Committee of the whole Houſe accordingly, (Mr. Hobart in the Chair.)

The meſſage recommended to the conſideration of the Committee the better regulation of the Crown lands.

Mr. Chancellor PITT obſerved, that the meaſure that he had the honour of ſubmitting for the conſideration of the Committee, would be of advantage both to the public, and to private individuals. He was not at preſent prepared to bring forward any meaſure relative to the better regulation of the woods and foreſts. The plan that he had to propoſe, related not to the woods and foreſts, but to

the other landed eftates of the Crown. Thofe gentlemen who would read the feveral reports that had been made, would find, that if thofe landed eftates of the Crown were properly managed, they would yield very confiderable advantage. The reafon why thofe landed eftates were not fo productive as they otherwife might have been, was, becaufe leafes were originally granted before the real value of the eftates was known. Under thefe circumftances, gentlemen would obferve that the landed revenue of the Crown had not yielded what it might have done. The chief regulations that he intended to propofe were, that furveys be taken before the Treafury grant any leafe, that the improvable value be afcertained before any leafe was renewed, and, that where repairs were found neceffary, no fine be impofed, but referved in the annual rent. Another regulation that he meant to propofe, regarded building leafes, and went to extend the time. In addition to thefe, there were other more minute regulations; but as he was aware that it would be wholly unneceffary for him, in the prefent ftage, to go at greater length into the meafure, and as gentlemen would have full opportunity of difcuffing the plan in future ftages, he would content himfelf with merely moving for leave to bring in a bill for the better regulation and management of the Crown lands.

Mr. FOX wifhed to know, whether the landed revenue was to remain in the hands of the Crown, or whether it might not be difpofed of to better advantage?

Mr. Chancellor PITT replied, that the right honourable gentleman would have an opportunity of difcuffing that queftion at another time. For the prefent he was prepared to fay, that it was better for the landed revenue to remain in the hands of the Crown.

The Houfe being refumed, Mr. Hobart brought up the report of the Committee, which was read and agreed to.

Mr. HARRISON faid, the motion I fhall have the honour to fubmit to the Houfe, has neither for its object the depriving the fervants of the Crown executing the bufinefs of real efficient ftations, of the due and proper recompence of their fervices; nor does it go to deprive thofe who enjoy emoluments, either by penfion or finecure place, as rewards for paft fervices to their country, of that mark of the public beneficence, which it has been thought proper to beftow upon them. Nor is it my wifh to abridge the bare competency which many may enjoy, even though there may have been no public fervice for its foundation, or official duty as a reafon for its continuance. Much lefs is it my wifh to withhold any part of the moderate falary of thofe difcharging the duties of any official ftation. Therefore, it is not my intention that penfion or finecure

places, not exceeding 200l. per annum, or any efficient place, not exceeding 500l. per annum, ſhould be at all affected by the bill I purpoſe to bring before the Houſe. But I think even efficient places above that amount may, at this criſis, give, without hardſhip or injuſtice to the individual holders of them, ſome part of their income to the public ſervice, as well as the landed intereſt of the country, which, His Majeſty's Miniſters have told us, it is natural to ſuppoſe will ſtand forward upon this occaſion with general ſubſcriptions, for the purpoſe of carrying into execution the neceſſary meaſures that the exigency of the times require. I know there are ſome who perfectly agree with me in ſentiment as to penſions and ſinecure places, who entertain ſome doubt of the propriety of any reduction of the emolument of efficient ones.

That the labourer is worthy of his hire, I admit in the fulleſt extent; if he is not, he ought no longer to be employed in the vineyard. But ſtill, in my opinion, there is no reaſon why he ſhould not ſubmit to ſome diminution of his income, as well as every other perſon, from the conſequences of the war, during its continuance. I will put the inſtance of a perſon having an income, from landed property, of 5000l. a year; he will find his income at leaſt a fifth ſhort of what it uſed to be. Why, then, ſhould not a man who has a place of 5000l. a year, have his income reduced to 4000l.? Why is he to be exempt from the inconveniences of the war, which every other deſcription of perſons muſt ſubmit to? There can be no reaſon for it; and I am ſure, on reflection, there will be found none. However, thoſe whom it affects, may avail themſelves of the pretence.

I have dwelt more upon this, which I call the firſt claſs, and ſubject to the leaſt deduction, than I ſhall think neceſſary to do on the other two, into which I have divided the different kinds of places and penſions comprehended in the bill I propoſe.

The ſecond claſs, or, thoſe penſions or ſinecure places, held without any ſervice, or diſcharge of duty annexed to them, above the value of 200l. per annum, I think may, without any hardſhip or injuſtice, contribute a much larger proportion to the ſervice of the Public, than thoſe I have conſidered under the firſt claſs; and I ſhould think half of the net produce of ſuch penſions and ſinecure place, above 200l. a year, may, during the extreme preſſure of the war, be applied to the public ſervice.

There is another deſcription of perſons, who I ſhall conſider as compoſing the third claſs, and who, I think, ſtand in a very different light from either of the other two I have before mentioned.—I mean thoſe whoſe inordinate thirſt and deſire to obtain as much

as possible of the public money and emoluments for themselves and family, has made them get packed together a number of sinecure places or pensions, that they may be heaped upon one person, to be held, as it were, *in commendum*, with other efficient offices, to which large salaries and emoluments are annexed. I have no difficulty in saying, that in such cases, the Public has a just claim, and ought to have a right, to apply the whole of such pension or sinecure place to the services of the State during the war.

The salaries to the efficient places are fully adequate to the service required, and therefore can leave no reason why the holders of them should have such great additional emolument.

However, all the above descriptions must be subject to some particular exceptions—as the Judges of the land, the Speakers of both Houses of Parliament, Ambassadors to foreign Courts, decayed Officers of His Majesty's army and navy, and their widows.

Having now explained the general principle upon which I mean to found the bill, I will, with permission of the House, point out the great use and expediency of such a measure being adopted at this particular time.

I will first speak of the use and expediency, as it will assist the resources of the Public, at a time when the necessity of every means of supply is but too evident; Ministers themselves will be ready to admit, and indeed it is but too melancholy a truth, but too evident to the senses of us all, that the unbounded extent to which the expenditure of the country has been carried, and, as we are told, is still farther to be increased, must exhaust every resource that any nation can possibly produce: When Ministers are pressing for benevolences, as the means of drawing money out of the pockets of every man in the kingdom, even at the expence of the fundamental principles of the constitution, surely we may venture to take a reasonable part from the income of those whose very source and foundation is the benevolence and purse of the Public. Another advantage that will arise from the servants of the Crown, and those immediately connected with the Court, being thus publicly called upon to contribute a portion of their salaries and emoluments at this juncture to the service of the State, is, that it will make the people at large more contented under the weight of those burdens, which at present they are scarce able to bear, and which, with the new and fresh accumulation that must necessarily accrue, nothing but seeing the luxurious offices and stations about the Court contributing a considerable part, with an open and apparent economy in the expenditure, can render tolerable or to be endured. There is another reason, which, I confess, weighs strongly in my mind for

preſſing forward this meaſure at the preſent moment, as I think Miniſters themſelves, and their friends, feeling in their own perſons the diſtreſſing effects of the continuance of the war, by that diminution of their income, which every other perſon muſt neceſſarily experience, may induce them to be the more hearty and ſtrenuous in their endeavours to put an end to this unfortunate war, in which we are ſo unhappily engaged. But how much the reverſe is the fact, as the caſe now ſtands! Miniſters themſelves are the laſt who feel the weight and oppreſſion of the burdens they bring upon others. Whether it is peace or war, their incomes are the ſame; whether trade goes on well or ill, it matters not to them. Whether the want of employ amongſt the manufacturers makes a ſtagnation in the market for the produce of the land for their ſubſiſtence, or of the raw material for their employment, they feel none of the inconveniences attending it. The harveſt of their fields, the golden fleeces of their flocks, are ſure of a ready market, undepreciated in value, however much the produce of other perſons' property may be diminiſhed; however the weekly earnings of the manufacturer may decreaſe, till, from having abundance to ſupply, even to luxury in his idea, the wants and deſires of his family, he even becomes a burden to the very pariſh which his induſtry uſed to benefit and enrich. That ſuch is the caſe, we have but too ſtrong an inſtance in the increaſe of the poor rates in every manufacturing town in the kingdom, perhaps in none more than the city of Norwich. So indeed has periſhed commerce, under the baneful councils that prevail. Yet if this poor manufacturer complains, he is ready to be called factious; if he expreſſes himſelf feelingly, and perhaps warmly, for the melancholy change that has been made in his circumſtances, which he thinks the profuſion, prodigality, and bad policy of His Majeſty's Miniſters have brought upon him. I wiſh gentlemen to bear in their minds, that the calamities of another country have firſt ſprung from the unbounded corruption and prodigality of the Court, giving luxury in the extreme to themſelves and their followers, and penury and want to the millions that ſurrounded them. Let them not, in this inſtance, ſhew an unwillingneſs, by reſiſting this bill, to aſſiſt in lightening the neceſſary burdens on the people at large; by refuſing to contribute a part of their income to the public ſervice.

If there be really reaſon to ſuppoſe there is any diſcontented ſpirit exiſting in the country, which it is my firm belief, to any degree, there is not, it is much wiſer for Miniſters to endeavour to conciliate the minds of the people, by adopting propoſitions of the nature of the one I have the honour to propoſe, by ſhewing they are wil-

ling to bear a full proportion of the neceſſary and new burdens that muſt fall upon the people at large, than by ſuch declarations as I heard the other night, to inſult and irritate their feelings. I allude to a declaration made by His Majeſty's Miniſter, that the new corps of fencibles were not more for the purpoſe of reſiſting any foreign attack that might be made upon this country, than for repelling any attempt of internal commotion that might be made.—Miſerable, indeed, muſt be the ſtate of the country, if we are under the neceſſity of arming one part of the people to keep the other in order. There is ſomething bad at the bottom, when the people are forced to be dragooned into an obedience to the laws of their country.

Having, I fear, tired the Houſe in explaining my reaſons for adopting the meaſure I have to propoſe, I will only ſhortly ſtate, that the object of the bill is, not to include any penſion or ſinecure place under 200l. per annum. That one-fourth part of the net produce of all efficient places above 500l. a year, after all the preſent exiſting deductions are diſcharged, ſhall be applied to the public ſervice during the continuance of the war.—All penſions and ſinecure places, above 200l. per annum, to pay one half of the net amount to the Public during the war, except where ſuch penſion or ſinecure place has been given as a reward for ſome eminent ſervice rendered to the Public.—All penſions and ſinecure places, in the hands of thoſe who hold other efficient places, ſhall be wholly applied to the ſervice of the Public during the war; allowing to the Deputy his accuſtomed ſtipend for executing the form of the office, where no real official ſervice is required; under which deſcription there are many exiſting offices in the Exchequer, and ſundry other departments. The exception to go to the Judges of the land, the Speakers of both Houſes of Parliament, Ambaſſadors, decayed Officers of His Majeſty's army and navy, and their widows. The blanks in the bill being left open, it will leave it in the power of the Committee to increaſe or diminiſh the proportion of the ſums to be applied to the public ſervice, out of each deſcription of office or penſion, in any manner the Houſe may think proper, when the bill ſhall be before the Committee. The act to be in force during the continuance of the war.

I have endeavoured to follow precedents that have paſſed the Houſe, and where I have varied from them, it has been to make the operation of the act preſs leſs hard upon the perſons who may be affected by it. I am happy, when I look to your journals, to find I am only following the example of other well-wiſhers to their country. In 1691, it was, on a motion of Admiral Ruſſell, re-

folved, *nem. con.*, that all places above 500l. a year, fhould be applied for the fervice of the war: and, much to my fatisfaction, I found the fervants of the Crown at that day holding offices to be affected by it, ftanding foremoft in fupport of the motion. And I do hope thofe in the fame fituation (for never could be a greater occafion than the prefent) will now come forward in fupport of the fame propofition, only more lenient to thofe who may be affected by it; and in that cafe, I have no doubt of its fuccefs. I may hear, perhaps, that the emoluments of office are as much the property of the holders, as the property of any other individual. A nation may, like an individual, in the flow of profperity, be liberal to profufion; but when the day of need and neceffity comes, he may be obliged to draw back a portion of his liberality; and follow that found doctrine in equity, that a man muft be juft before he can be generous. We, therefore, as guardians of the public purfe, ought to be juft to the neceffities of the State, before we are profufely generous to the individuals that compofe it. I avoid entering into the long lift that will come under the effect of the bill, which, if we are fuffered to inveftigate, will produce a fum for the fervice of the Public, little fhort, I apprehend, of the amount of fubfcriptions which Minifters are wanting to promote.

Much more might, and I dare fay will, be better faid by others in fupport of the motion, which I fhall now make, "That leave be given to bring in a bill for the purpofe of appropriating a certain part of the emoluments arifing from penfions and finecure places, for the fervice of the Public, during the continuance of the war, at the difpofal of Parliament; and alfo for the purpofe of appropriating a part of the emoluments arifing from efficient places, amounting to more than a fpecified fum, to be applied to the fame purpofe."

Mr. COKE* feconded the motion. He returned his fincere thanks to his honourable friend, for bringing it forward at the prefent period, when refources were at fo low an ebb, as that it fhould be thought neceffary to extend them, by means of voluntary fubfcriptions, and unconftitutional benevolences. He did not think it poffible that thofe gentlemen who were the advocates of that meafure could refufe concurring in the prefent, and thofe who thought the profecution of the war fo neceffary for the fecurity and prefervation of our Conftitution. The county (Norfolk) which he had the honour to reprefent, were very much diffatisfied with the war, and the great and opulent city of Norwich had feverely felt its effects; the poor rates, which in no other war ever exceeded more than 17,000l. this year amounted to the enormous fum of 21,000l. He farcafti-

cally complimented the Minifter on his conftitutional principles, and very conciliating difpofition, and had no doubt he had patriotifm enough to give up all his finecure emoluments for the public fervice, by way of animating others to follow the example.

Mr. DRAKE obferved, that the diftrefs that was felt by the city of Norwich (to fpeak uncommercially) was not attributable to the prefent war, for the prefent war was founded on adamantine honour. Regarding the manner in which gentlemen came forward with voluntary contributions, the queftion then before the Houfe (he did not mean any reflection on the very grave and admonifhable mover) was pitiful and ridiculous. The inconfiftency of an honourable gentleman (Mr. Windham) was glorious and manly. When that honourable gentleman varied his opinion, he had juft reafon for fo doing. He difclaimed the plan that was propofed to affift the finances of the country —

"Non tali auxilio, nec defenforibus iftis, tempus eget."

The meafure brought forward was an attempt to embarrafs the meafures of Adminiftration. When he faw all the weight in the country fupporting the juft, the neceffary and the meritorious war in which we were engaged, when he faw the noble, the magnanimous, the brave, the valiant country, Ireland, moft cordially and warmly efpoufing and co-operating in the caufe, he muft of neceffity deprecate the meafure. This was a war in defence of our lives, our liberty, our property, our Conftitution, our religion, our hopes of immortality and vitality!

Mr. HOBART admitted, that poffibly the poor rates for the laft quarter, for the city of Norwich, might have amounted to the rate of 20,000l. per annum; but that would not be the cafe for the whole year, for now every manufacturer in that town who chofe, might be employed, as the King of Pruffia had given fome extenfive orders: the diftreffes of that city, he contended, did not arife from the war, but from an edict of the Emprefs of Ruffia, prohibiting the importation of certain of their manufactures into her dominions.

Mr. HAWKINS BROWNE faid he had given every attention in his power to the honourable mover's fpeech; he conceived the motion to be brought forward on different grounds; firft, that the war was unneceffary; he thought if there was no other ground of objection to the motion, this was a fufficient one, becaufe in agreeing to it we muft contradict the feveral refolutions and addreffes on the Journals, act contrary to the opinion of a great majority of that Houfe, and, he trufted, a much greater majority out of doors. The next point was, that of voluntary contributions; he contended, that

now the public ſpirit was called forth, it was not proper to diſtinguiſh one particular ſet of men from the reſt of their brethren, by making their contributions compulſory, whilſt thoſe of the others were voluntary. He contended, that what the Miniſter enjoyed, was no more than the well-deſerved reward of the application of thoſe talents to the ſervice of his country, which applied in any other way, muſt have inſured him an ample fortune. The precedents quoted by the honourable mover, he inſiſted, did not apply, as the expences of the preſent day exceed thoſe of the period of 1691 ſo much, that a man could afford, at that time, to live better on 500l. than he could at the preſent day on 1000l. He reprobated the motion in every point of view in which it could be taken, as uſeleſs and unneceſſary

Mr. MONTAGU thought the preſent motion of a dangerous tendency, as it went to confirm that opinion which had been ſo much endeavoured to be promulgated in the various ſeditious publications which had gone forth to the people; that a greater ſum was paid for the Government by the people, than ſuch Government was worth; this he thought an opinion of a nature too alarming for that Houſe to give any ſanction to. He entered into an eulogium of the talents and great exertions of the Miniſter (Mr. Pitt,) for which he thought no ſum of money, however great, was an adequate compenſation. He admitted his partiality for the right honourable gentleman, but wiſhed to know if gentlemen on the other ſide had not ſimilar attachments, and did not think ſome talents could not be too highly rewarded.

Mr. CURWEN ſaid, that particular men were not the object of the queſtion then before them; it was of a general nature: he ſhould expect, if thoſe gentlemen in whom he placed a confidence, (and which he did not think a very diſtant proſpect,) were in power, that he ſhould exerciſe the ſame ability and the ſame exertion that he then did for attaining the ſame object. When men in whom he had no confidence were in power, he feared, that at ſome future period, thoſe perſons who attempted to draw into precedent the circular letter of 1782 as a ground for oppoſite conduct in 1794, might, by ſimilar ingenuity, torture the proceedings of that night into a precedent for eſtabliſhing corrupt influence. The charge of corruption upon Members of that Houſe, exiſted upon their journals, where it was directly ſaid, they had not come into that Houſe to ſerve their country, but under corrupt influence; and whence aroſe that corrupt influence? Aſſuredly from the exiſtence of ſinecure places and penſions. He contended that thoſe gentlemen who propoſed voluntary contributions, and great perſonal exertions in the

present war, could never ſtate any ſolid objection to the preſent motion. It appeared extremely neceſſary at this alarming and important criſis, that the diſpoſition of the burdens ſhould be equal, ſince every perſon more readily and more contentedly would bear his load, when he perceived it the common lot of all. What better demonſtration of unanimity could there be, than that of the patriots of 1691, which he recommended as a pattern upon the preſent occaſion? Shall it go forth, that at this enlightened period we are leſs attached to the ſafety and intereſts of our country than they were? Surely not, and therefore he hoped the Chancellor of the Exchequer did not mean to paſs it by. What the means would be, or what the quantity of profit, he did not pretend to tell, but he ſupported the motion ſolely on the grounds of cordiality.

Mr. BURKE ſaid, that the great merit of a jeſt was the ſerious carriage and deportment of him who was the author of it, who, while he made every one around him laugh, preſerved himſelf a grave aſpect. The honourable gentleman who had brought forward the preſent motion ſeemed to poſſeſs this talent in an eminent degree, for he had in the moſt grave and ſerious language, brought forward a propoſition at which he muſt not only laugh inwardly himſelf, but muſt know that others will laugh openly. The motion ſeemed to be of a twofold nature, charitable and political; and the laſt firſt, the policy was charitable, and as for the charity, it was wholly political. It was held out, as the charity to relieve the diſtreſſed manufacturers of the country, but the policy was to relieve the diſtreſſed manufacturers of acts of Parliament. The gentlemen were very compaſſionate indeed, eſpecially to the poor: but their compaſſion reminded him of the late Queen Mother, who when Somerſet houſe was building, uſed to look at the proſpect on the Surry ſide of the water, and think of their poor inhabitants,

——— "Whoſe dwellings lie
"Firſt in her care, and always in her eye."

He ſuppoſed that when the honourable gentleman brought ſuch a motion forward, which was to be an object of revenue, and was to go in aid of the reſources of his country, that ſome calculation would have been produced to ſhew how much would be ſaved to the country by the propoſed retrenchment; but no ſuch thing had been done. Much was ſaid of the diſtreſſes of the manufacturers of thecountry; but it was ſomewhat extraordinary, that of late, gentlemen ſeemed to confine all theſe diſtreſſes and miſeries to the city of Norwich, and ſeemed to forget entirely the various other manufacturing towns all over the kingdom, for which he might poſſibly be able to aſſign

fome charitable caufe. The propofition in itfelf he confidered of the moft dangerous kind, as it went to a direct invafion of the rights and properties of individuals, for the emoluments of places held under the Crown, were poffeffions as facred as that of any landed property in the country, and a motion might as well be made for taking a certain part of the property of a man who poffeffed ten or twenty thoufand a year, which might be confidered as a finecure, as he had done nothing for it; and fuch was the firft beginning of thofe innovations in France, where the people firft ftruck at the finecure places, then made retrenchments in the falaries annexed to efficient places; that barrier once broke down, they made their attack on the landed property; and finally, the monied property of the country fell a facrifice; he was furprifed how the honourable gentleman dared to have made fuch a motion. [Mr. Burke was called to order.]

Mr. M. A. TAYLOR faid, that he fhould never fuffer any gentleman in that Houfe to ufe the word dare; in refpect to a motion which he was warranted by the rules and forms of that Houfe to make, without calling him to order.

Mr. Chancellor PITT faid, that he conceived the term did not apply in the manner which the honourable gentleman (Mr. Taylor) imagined it; the idea of the honourable Member who had ufed it, muft have been, that he was furprifed how any man with a view to the confequences, dared to make fuch a motion.

The SPEAKER faid, that he was himfelf in doubt whether he fhould have called the right honourable gentleman to order when he ufed the term; but an idea that it was ufed as the Chancellor of the Exchequer had explained it, prevented him. He affured the honourable Member (Mr. Taylor) who fpoke to order, that if he had confidered any violation of order to have been committed, he fhould have interfered.

Mr. BURKE faid that he fhould take every precaution not to give any caufe of complaint, by ufing any term that might be offenfive. As he was not a very daring fpirit, he had no predilection for the word dare, which was fo obnoxious that he would not dare again to ufe it. That the retrenchment propofed would be any matter of ferious refource to the country he denied; it was held up as a pretended relief for the poor, but the people of England knew too well the inefficacy of fuch a refource to be fo deceived, or to fuffer themfelves to be impofed upon fo far as to be led to imagine that this meafure could afford any real alleviation of the burdens which they felt; fo paltry and infignificant were the retrenchments that could be made in the place and penfion lift, "That it would fcarce procure fmall-beer for a fingle night for the poor of the city of Nor-

wich." He was ſure that, if the Government had no better reſources than theſe, they muſt ſoon put an end to the war. When he conſidered the efficient offices, he conſidered alſo the dignity of neceſſity attached to them. Miniſters are fugitive beings; here to-day and gone to-morrow. Mankind themſelves are ſo, and therefore efficient offices muſt have efficient means, or the buſineſs will be neglected. A State muſt be ſupported by abilities, and abilities by rank and appearance. There was an old-faſhioned author, whom he ſuppoſed the gentlemen would now treat as a ſtrange, dogmatical, contemptible fellow: he meant Livy the hiſtorian, who, ſpeaking of his countrymen the Romans, ſays, "Our nation may be the pooreſt upon earth, it is true; but our Magiſtrates ſurpaſſed all others in dignity and ſplendor." Let any perſon reflect within himſelf, whether he would give the ſame wages to his game-keeper as his footman. Does any gentleman give the ſame wages to a boy in his ſtable as to his cook, who entertains his friends when they join in feſtivity with him? Men in office muſt ſupport their rank, they have expences of a different nature to thoſe of ordinary people; they have their condition, dignity, duties and importance of their ſituation to regard. He therefore did not know what was too much for them. The meaſure propoſed, he conſidered objectionable alſo, becauſe it went merely to anſwer a temporary inconvenience. Muſt the Conſtitution and the regulation of the State be ſuſpended every time that any foreign power choſe to prohibit the importation of any manufacture, which might occaſion a temporary diſtreſs? Money was not the means whereby diſtreſſed manufacturers were to be relieved; to give them money would be to make them idle, and prevent their return to induſtry: if they chanced by misfortune to fall into poverty, or diſtreſs, their ſole relief muſt be from Heaven. The man who diſturbs the order and peace of his country by agitating violent opinions, cheats the poor and injures the manufacturer much more than any other. The ſalaries of the ſervants of the Crown were far from being adequate to their ſervices; the Crown had no mode of providing for them as formerly, as Lord Saliſbury and other great Miniſters had been provided for. He confeſſed, that he was not able to ſet any preciſe value upon the abilities of any man. What could any man think would be an adequate compenſation for the entire application of ſuch talents as Mr. Erſkine's, which he (Mr. B.) certainly rated very high. He then recommended gentlemen to read Lord Somers' ſpeech upon the bankers, a wiſe and able compoſition; and yet, notwithſtanding this ſpeech might appear at firſt injurious to his intereſt, he was afterwards rewarded as he deſerved by a no leſs ſum than 35,000l.

Mr. Burke continued to remark, that in his time he had ſeen many great men leave the ſtage with lean and inadequate fortunes. Perhaps it was expected that great men ſhould ſerve the Public as they are commanded to ſerve God Almighty, with all their heart, with all their mind, with all their ſoul, and with all their ſtrength. He contended that as a matter of reſource, the meaſure was trifling and inadequate; as a meaſure of policy, miſtaken; ſuch a propoſition had been brought forward once before in that Houſe; he oppoſed it upon that occaſion, and ſhould purſue the ſame line of conduct with regard to the preſent motion.

Mr. SHERIDAN declared, that notwithſtanding the ſingular language held by the right honourable gentleman who had juſt ſat down, he would dare to defend the meaſure propoſed, and ſubject himſelf to the imputation ſo liberally beſtowed by him upon all who ſhould think ſeriouſly in its favour. Before, however, he proceeded to a diſcuſſion of the queſtion, he could not avoid congratulating certain gentlemen on the other ſide of the houſe, on the ſilence which they preſerved upon the occaſion, and which appeared ſo characteriſtic of thoſe ſentiments which no doubt they would evince by their deciſion. If they had been ſilent, however, they did not appear abſolutely void of ſenſibility; for when the honourable gentleman ſtated to them a precedent in juſtification of his motion, they ſtared, as if they had heard of ſome antiquated tale of the virtuous days of Greece or Rome, not of an inſtance of the conduct which this country had ever adopted or put in practice. Adverting to the arguments juſt advanced by the right honourable gentleman, he confeſſed he felt a degree of aſtoniſhment inconceivable; and particularly ſo as coming from him of all men living; nor could he, without having heard him, have believed it poſſible he could poſſeſs ſo abſolute a forgetfulneſs of all that had paſt at former periods, and of tranſactions in which he had himſelf ſhone ſo conſpicuouſly. The right honourable gentleman had rebuked the ſeconder of the motion for noticing the mode in which the Miniſter had come into power, and ſaid, of what conſequence was it how one came in, or how he went out. Does he himſelf ſo totally forget thoſe ſentiments which he has ſo firmly recorded, and by which he has branded to all poſterity the mode in which that Miniſter had entered on and perſevered in the poſſeſſion of his preſent ſtation? He had expreſſed his aſtoniſhment at the idea of that Houſe attempting to meaſure the proportion of rewards which the Crown was to diſtribute. Does he again forget that he had himſelf done preciſely the ſame thing when he brought forward the bill known by his name, and which reflected ſo much honour on him, for regulating and limiting the civil liſt of the Crown;

and in which he had restricted the amount of the salaries or rewards which were to be annexed to various offices; among the rest, to his own, of Paymaster to the forces, which he reduced to a salary of 4000l. per annum? In like manner, and upon the same principle, did the Minister act upon a former occasion, when he limited the salaries of the first Lord of the Treasury, the Secretaries of State, and other great officers; in both instances trenching upon the asserted right of the Crown. But does the right honourable gentleman mean to assert that the Crown possesses the sole right of judging what rewards were to be bestowed upon public servants? Then he would ask him who it was that is obliged to pay those rewards? He had put the case of a private family, and asked whether the master was not the proper judge in the distribution of rewards; and if those rewards should be the same to all classes of his servants? He was ready to adopt the principle of his comparison, and to agree, that in both cases, those who pay, were the proper judges of what should be paid. The next principle upon which the right honourable gentleman opposed the present motion, was, on account of the discontent which the exposure of the numberless places now enjoyed, might occasion throughout the country; and yet, what was the principal and leading feature upon which his bill proceeded? To shew the evils attendant on enormous places, and to produce reform in those evils by abolishing a number of those places. Where at that time, was his tenderness, when he set so many adrift unprovided for and unprotected? The public good he called it, which he considered as paramount to every other consideration, and to which he then thought that every other consideration was to give way. The right honourable gentleman ridiculed the present motion, because he conceived the saving it would produce would be but trifling. Did he himself consider the saving which his bill was to produce, as forming no object of attention? And yet he would affirm, that the utmost extent of savings under that bill was contemptible, and as nothing, compared to what might be produced by the measure now proposed. And where he talked of these savings not affording the poor of Norwich small beer to their suppers, they must be great swillers indeed; but, in fact, if well applied, they would afford a comfortable support for a great share of the poor of the whole kingdom. A short view of the detail of those places would readily establish this fact. In the first place, there was one single place (Auditor of the Exchequer) that had been enjoyed by a Nobleman of considerable private fortune, from which he must have realized near half a million of money sterling. Observing here an honourable Member (Mr. Rose,) writing, he humourously claimed his assistance, whom he considered

as so well able to make such calculations, and observed, that if a more nice account should reduce the total to two or three hundred thousand pounds, there would be no great room for triumph. He particularly reprobated the practice of those, who, upon the present, as all other occasions, particularly parliamentary reform, affected to reprobate any attempt at amendment, under the pretext, that a measure good in itself, and in its principle, might be productive of mischief, by being carried too far. If, as had been so pompously displayed upon various occasions, every thing we held dear was at stake, was it so preposterous to call on those who gained most by the present system, to give up part for the preservation of the remainder: or what should we say of that most unparliamentary and unconstitutional measure, the general subscription; at all events that subscription would be a bad criterion by which to judge of the public spirit; for he would be bold to say that the sum total of all that should be raised by that mode, would not amount to what might be saved in the suppression of sinecures. Take the whole amount of the subscriptions throughout the kingdom, and they would not be found to exceed 200,000l. notwithstanding every exertion of influence and authority which had been used. He did not believe the Minister meant to repeat this experiment next year, nor yet to admit that the public spirit was evaporated; there, therefore, could be no truth in the insinuation, that the French would suppose our resources exhausted by the present measure; but, on the contrary, they would see greater cause to dread us when they beheld us cutting up corruption by the root. When he heard the Minister and others describing in such high-flown terms, the zeal with which the public spirit promoted the present subscription, he should have been considered as paying some gentlemen a bad compliment, if he were to estimate by their fortunes the amount of their subscriptions; especially, when he saw that some who were so liberal in their praises and panegyric had annexed to their names the paltry sum of 50l. If, as was asserted, it was necessary for our existence to conquer the French, we must do it by beating them at their own weapons, and like them, it would be necessary to make considerable sacrifices. Now a noble Lord (Mornington) had upon a former debate stated, that property to the amount of 400l. a year, was effective only to the amount of 120l. and he wished Ministers and gentlemen holding places to adopt this proposition, which at four years purchase, which he should be glad if it were the longest duration of the contest, would produce no inconsiderable income. For instance, if a noble cousin of the Minister's (the Marquis of Buckingham) out of his place as teller of the Exchequer, were to give up 8000l. a year,

that in four years would make a sum of 32,000l. Another cousin too (Lord Grenville) might apply 4000l. the amount of his place of Ranger of the Park, which he affected not to receive, but which notwithstanding he would assert was in fact no saving at all to the Public. The other Secretary of State, out of his multiplied places of Treasurer of the navy, President of the Board of Controul, &c. might devote the profits of one at least of those places to the same patriotic purpose. To these might be added, with, perhaps, singular propriety, a part of the profits of the gentleman (Mr. Rose) who was so expert at calculation; and who upon this subject possessed an experience and a source of knowledge not inferior to any of them. Here Mr. Sheridan stated that he had just had put into his hand a list of the places enjoyed by Mr. Rose, but which as being too long, he shoulst decline to state. However, upon a cry of "Read! Read!" he proceeded to enumerate as follows: Clerk of the Parliament; Master of the Pleas Office; Surveyor of the Green Wax; Secretary to the Treasury, a place, no doubt, well known to many gentlemen of that House. Here hesitating, and the cry of "Read!" being repeated, he wished to know whether the gentleman was not sufficiently satisfied, after having heard four enumerated; in fact, there were two more on the paper, but being written with a pencil, he could not make them out. Returning to the subject before them, he observed, that the Minister was much in the habit of boasting of the flourishing state of our commerce during this war; but he denied that this boast had any real foundation, if we attended to the difference between the present and late war. Then we were at war with four nations, whose maritime exertions were individually powerful: now we had to contend but with one whose Marine was at least crippled, if not annihilated. The state likewise of our manufactures, was a boast equally unfounded; for the observations of the gentleman (Mr. Coke,) who seconded the motion, was not, as asserted, confined to Norwich, but extended to the whole kingdom, throughout which the manufacturers was starving, and who could be rendered serviceable only by being made a soldier of again. That House had been every year accustomed to hear the Minister make a display of the reduction of the national debt. Now he would ask, when any thing substantial in that way was to take place; the answer was obvious; it was a dream which never could be realized. By the promises held out, we were to arrive at a peace establishment; that is, that our income was to equal our expenditure, beside the million annually towards the reduction of the debt, and the 200,000l. surplus. That period, notwithstanding these splendid promises had never yet arrived; and he would affirm, in the most positive terms,

ſame period; and about 700 Officers of Exciſe had alſo been ſuppreſſed; and though part of their ſalaries had been given to thoſe who remained, yet, upon the whole, there was a ſaving in that department, to the amount of 12,000l.—Contracts, commiſſions, loans, and lotteries, which were the great ſources of wealth to individuals, were now put under ſuch regulations as to avoid the poſſibility of corruption by their means. Loans, inſtead of being only ſhared among the private friends of the Miniſter, were now opened to a fair competition, by which means near half a million was annually ſaved to the public.—190,000l. was ſaved on commiſſions, in conſequence of the new regulations which his right honourable friend (Mr. Pitt) had introduced into the Navy Board; and as it was now the practice to bring the officers to a regular annual account, the intereſt of large ſums had been, and would be continued to be, ſaved to the public. He expreſſed his unwillingneſs to ſay any thing of himſelf, but as he had been particularly called upon, he muſt ſpeak in his own juſtification.—The following was a ſimple ſtatement of his places and how he acquired them: In the year 1782 he was called to the Secretaryſhip of the Treaſury, which he did not ſolicit, and had no regular appointment. The Clerk of the Pleas was given him by his honourable friend's recommendation, but it was ſo trivial as hardly to be worth mentioning. Another of his places, from the manner in which it was acquired, was a ſource of ſatisfaction and infinite pleaſure to him: He owed it to an addreſs from the other Houſe of Parliament long before he filled any political ſtation; and he was convinced, if he had filled any ſuch ſtation, it never would have been objected againſt him. The place connected with the green wax, he ſaid, he did not poſſeſs: he had poſſeſſed it, but, as ſoon as he conveniently could, he quitted it. After all that had been ſaid upon the queſtion, what was the whole drift of the argument? It was an appeal to popular prejudices.—Tax placemen and penſioners is a re-echoing of the popular cry; but he profeſſed, he did not perceive why they ſhould be more taxed than the honourable gentleman, as manager of his theatre, or than as a man who travelled the country with his puppet-ſhew at his back.

Mr. FOX ſaid, the honourable gentleman who had juſt ſat down, ſeemed to allude in the courſe of his ſpeech to him, and aſked him what he meant?

Mr. ROSE replied, that he meant (he begged pardon of the right honourable gentleman if he was miſtaken) to ſtate diſtinctly that the right honourable gentleman had one ſinecure place, and two penſions in the room of two other ſinecure places. That he enjoyed

the office of Receiver of South Wales, and that he was the Clerk of the Pells in Ireland.

Mr. FOX ſaid, he had enjoyed the place of Clerk of the Pells in Ireland, and that it was certainly true, that to accommodate the Government of that country, he had made a very fooliſh bargain, and had given up that place for a penſion; and the fact certainly was, that that place was not granted to him by the King in conſequence of any ſervice he had ever performed, but he held that place preciſely in the ſame way as the Marquis of Buckingham poſſeſſed his place; it was given in reverſion to him by the late King on account of the ſervices which his father was ſuppoſed to have rendered the country. It was enjoyed by his father while he lived; it was afterwards enjoyed by his elder brother, and then deſcended to him: But he ſubmitted to the Houſe, whether that ought to be conſidered as a ſinecure place in any view of this queſtion? Though he approved of the motion, yet in one particular he was ready to admit that he differed from the mover. He wiſhed upon all occaſions to defend the queſtion of the ſacredneſs of private property, which muſt be tried by general principles. His maxim was, *Principiis obſta.* Never ſuffer yourſelf to entrench on private property in any degree. If a penſion or a ſinecure was unworthily beſtowed by a Miniſter, he would make complaint againſt that Miniſter. But if it was beſtowed legally, it became a part of the perſon's property on whom it was conferred, and, like all his other property, was ſacred. He deſired the Houſe to conſider the ground on which all property ſtood. All that he wiſhed in any caſe to aſk about property was, whether it was legally granted by a perſon competent to grant it, and alſo whether it had been received by a perſon competent to receive it. He ſhould be for holding ſacred from the operation of this bill, all ſinecures held for a term of years, or for life. He thought the propriety of the preſent meaſure aroſe from the new mode that had been adopted of voluntary ſubſcriptions. When a meaſure had been adopted ſo doubtful as to its legality, and plainly contrary to the ſpirit of our Conſtitution, he then thought it not unbecoming a Member of Parliament to call on thoſe who enjoyed great offices in the country, to ſhew their zeal by paying ſuch a ſubſcription as this bill might call forth. There were ſome other arguments in favour of the motion. He wiſhed to attend to the offices held by two gentlemen, the one of them in that Houſe, and the other in the other Houſe of Parliament. He meant the two Secretaries of State. He did not ſtate it, but they had been told by thoſe two gentlemen themſelves, that they did not think it proper to receive the whole ſalaries attached to their different offices.

If report was true, the Secretary of State for the Home Department received the salary annexed to the office of Treasurer of the Navy, and they had been told the salary of the Secretary of State for the Home Department was saved to the public; and that the noble Lord who was the other Secretary of State, it had been said, did not receive the emoluments of the Auditorship of the Exchequer, but that it went to the public. Mr. Fox denied that to be a fact. He said those gentlemen so contrived it that the emoluments of those two offices, by a manœuvre, went to the Civil List, and not to the public. It had been represented by an honourable gentleman (Mr. Rose) that except as to 10,000l. per ann. the Civil List was limited, and that it was in the power of Parliament to know equally well with His Majesty himself how every farthing, except that small sum, was expended. The Civil List neither was, nor could be, limited. Mr. Fox paid Mr. Burke many handsome compliments for his bill for reducing the influence of the Crown. With respect to efficient offices, he did not think them paid too high; nor would he go to the other extreme, and say, that they were too low. One of them might be a little too low, and another too high; but, upon the whole, he thought the salaries were liberal and proper. He thought, in calculating the influence of the Crown, they ought to have taken Ireland into the account. That man must be ignorant indeed of the politics of this country, who did not know, that the increase of the influence of the Crown in Ireland, gave the Minister of this country an additional degree of influence; though he was ready to admit, that England and Ireland were now more distinct than they had been in former times. Some new places had also been added to the Board of Control for managing the affairs of India. Mr. Fox reprobated the idea of an honourable member, who represented this country at present to be in a flourishing situation. He asked, whether we could be said to be in a flourishing state because we were obliged to pay this year near one million of new taxes? It had been stated, that these taxes were salutary and desirable; that could only relate to the tax on spirits, which would be unproductive. But was there any Member in that House, who knew so little of the people of England, as to suppose that the sugar tax would not be severely felt, when it was considered that tea was almost universally drank, and that sugar was almost the only nutritive ingredient in it? That tax, therefore, could not be increased without being severely felt. It had also been observed, that the commerce of the country was in a more flourishing state than it had been during the last war, or during any former war. He thought the true way of calculating this was by comparing the state of com-

merce previous to, and during the laſt war; with the ſtate of commerce before and ſince the preſent war. He ſaid, he did not conſider the Government of this country as inordinately expenſive, when the extent of it was taken into conſideration. If the expence of the Government was compared with that of other countries, it would not be found unfavourable, except in compariſon with one country. He ſaid, he ſhould certainly vote for the bill, and when it came into a Committee, if ever it reached that ſtage, he for one ſhould be for exempting every place in which he thought a perſon had a legal veſted right; and as to the reſt, to conſider office by office, and appreciate the ſum that ought to be appropriated, without material injury to the public ſervice. In that view, and in that view only, he ſhould give his vote for the meaſure, which was far from being without precedent. Let Miniſters ſtick to the old regular method of getting ſupplies, and he ſhould never drive them from it; but when a new mode had been adopted like that of voluntary ſubſcriptions, another like the preſent might become more juſtifiable, though not originally ſo. Mr. Fox next adverted to what Mr. Roſe had ſtated, as ſavings to the nation by the number of ſinecure places and penſions that had been put an end to by his right honourable friend, by his manner of making contracts for the public, by loans, &c. He took notice of the praiſes beſtowed by Mr. Roſe upon the new mode adopted by the Miniſter for raiſing the loan, but which he denied to be ſo obviouſly beneficial, becauſe, though it turned out ſo this year, it was equally ſcandalous and defective laſt year. Mr. Fox could not conclude without ſuffering his feelings to take notice of ſome expreſſions which fell from the ſame gentleman, relative to the property made by his father, as Paymaſter of the Forces, coupled with a ſtatement of the immediate deficiences which remained unaccounted for in the Pay Office. He appealed to the Houſe whether it was fair and candid to unite theſe two circumſtances together, ſo as to make them appear connected, without one ſolid ground for any thing like ſerious accuſation. If the honourable Member meant ſuch inſiuation, he would reply it was not founded in fact, and he would defy him to the proof; but he did not believe he meant any ſuch thing. But he ſhould conſider how he wounded the feelings of a gentleman by ſuch inſinuations. The fact was certainly true, that his father had made a large fortune.—Great fortunes were made by the predeceſſors of his father in that office. Great fortunes were alſo made by his ſucceſſors. It was as true that great and unaccounted deficiencies exiſted in his office; but it was as true that ſuch deficiencies were as great and as unſettled under former Paymaſters as him,

and with as little personal blame.—Of a disposition generous beyond suspicion, he was liable to expose himself to imposition. He was of an easy nature, which was not always, he believed seldom, the mark of a guilty mind. He believed, had it not been for his mistaken confidence, that he might have made a more considerable fortune than he actually did. The case of Lord Chatham himself was a proof that accounts might be long out-standing without any disinclination to have them adjusted. Without taking any ostensible part in the discussion of the accounts, he certainly had seen the reports on the subject; by those reports he called upon gentlemen to judge, and not to be led away by insinuations, which he again challenged any man to vindicate or substantiate.

Mr. ROSE declared, he did not mean any thing personal by any words that had fallen from him.

Mr. Chancellor PITT said, that he had many reasons to relieve him from the necessity of long discussion; one in particular was, that after listening attentively to the right honourable gentleman who spoke last, he found it scarcely possible to add to the arguments which he had urged against the motion. The only remarks, therefore, he had to take up the time of the House with, or that he thought at all necessary for him to offer, were in answer to the small part of the right honourable gentleman's speech which went in favour of the motion. To this end it would be necessary for him to premise, that the motion went to tax, in different proportions, all places of a certain description, of whatever value, and all sinecures of all descriptions, together with all pensions and efficient places above a certain value. As to the most important and greatest of those, the right honourable gentleman had himself admitted that they were legal grants, and had declared that he was against taxing them in any proportion whatever. In this, he said, he entirely agreed with him; for, as a question of property, it must be decided on principles of general right. This, he thought, was a truth of practical and universal importance to all property and all rights, and must be, in every instance, decided so, unless arguments of the strongest and most unanswerable kind were specifically offered against it. As to efficient places, the right honourable gentleman (Mr. Fox) had given his decided opinion, that they were neither under nor over paid, but nearly as they ought to be. If this then was the case of efficient places, as regarding them in the ordinary duties of times of peace, the House must, at one glance, perceive how unjust it would be to diminish that pay, and tax them in times of war, when their duties were necessarily increased. As to the next point, he found it difficult to determine whether the right

honourable gentleman was for or against it; for the arguments he used applied to both sides; but, if fairly balanced, were, he thought, against it. Indeed, the right honourable gentleman had said, that the current of his own opinion, and the best of his judgement, was against the motion, though it was not strong enough to prevent his giving his voice in favour of it. In his opinion, the right honourable gentleman would have given much more efficient support to his friend's motion by a silent vote, than by the long speech he had made. It appeared, he said, that the principal ground on which the right honourable gentleman had built his defence of the motion, was the measure of raising voluntary subscriptions. Here he begged that the House would take along with them the singular nature of his argument—it amounted essentially to this—"That the right honourable gentleman would support a measure, of which he expressed his disapprobation to-day, merely because another measure had been carried against his opinion yesterday; and would balance the impropriety of raising voluntary contributions in the first instance, by compelling contributions in the second." The chief grounds on which the measure of the preceding night had been supported were, that voluntary contributions were a proof of zeal, and tended to call individual will into action; and that though the pecuniary advantages to be derived from it might be limited, its collateral effects would be salutary. Yet this measure, thus grounded, was called a compulsory contribution. This he conceived to be a contradiction in effect, and a solecism in language. In the new-fashioned vocabulary of France, they had denominated the monstrous union of a voluntary and a forced loan, *amalgamating* them. It was from this expression, he supposed, that gentlemen had borrowed their ideas, and *amalgamated* a voluntary contribution, set on foot as a test of zeal, with a compulsory one, and adopted a measure for no other reason but because they had before rejected one which they contended to be founded on the very same principles, and that, too, without having the same arguments in its favour. The whole of the arguments which had been used by gentlemen on the other side, were, he said, the most preposterous and contradictory to themselves that had ever been offered with seriousness and received with gravity; for, while they reprobated the raising voluntary contributions as illegal and compulsory, they proposed this bill in aid of that measure, to serve as an example to stimulate the exertions of others to subscribe; that is to say, held out one act of compulsion as a persuasive to another; and while they contended that placemen were the only persons who were disposed to subscribe spontaneously, would introduce their *amalgamating* system, and make

thofe exclufively contribute by compulfion who before had exclufively contributed from choice.

Mr. Pitt then entered into an explanation of the motives which guided the two right honourable Secretaries, in throwing their rejected falaries into the Civil Lift. He faid, that the mafked battery of anonymous publications had long played upon his right honourable friend (Dundas) with the artillery of plurality of places. He had hoped, that " the plurality of labours without its attendant plurality of emoluments," would have filenced that battery, but had found it otherwife. He would therefore endeavour to put an end to cavil, by faying that two confiderations led him to that diftribution. When his right honourable friend refolved not to receive the falary of both places, he faid, that finding on an eftimate of the Civil Lift, a very bare fufficiency for the neceffary purpofes of the Crown, and confidering that there were cafual expences likely to occur in the Royal Family, had thought it right to make a faving for the Civil Lift, and applied the rejected falaries to it. But in doing fo, it could not be faid that he had not applied it to public purpofes; for if there had been a deficiency in the Civil Lift, that Houfe would have fupplied and made it good. As to the other topics which had been urged, he would fincerely fay, that he did not know how to clafs them under any head of argument to the point in queftion, being all unconnected defultory anfwers to fuggeftions which had fallen from his honourable friend (Mr. Rofe). The fuggeftions, indeed, applied to the cafe; but the right honourable gentleman's anfwers did not. Here he went over fome of the ground which Mr. Rofe had taken, and fupported that gentleman's arguments in oppofition to Mr. Fox's objections. The retrenchments which had taken place in the offices and expenditures, as ftated by his honourable friend, were not, he faid, intended fo much for a faving as to decreafe the influence of the Crown. They were not fo much a fyftem of practical economy as of practical reform. As to the prefent motion, he would contend, that if its aim was a diminution of the influence of the Crown, it muft, from its very nature, fall fhort of that end. To effect that, the manner fhould be fyftematic and permanent, and fhould not profefs regulation and reform, when it only meant temporary fupply. The queftion then, he faid, came to this, " is it a mode of fupply unexceptionable in itfelf, and unqueftionable in its effects?" To this he could not be fuppofed to give his affent, when it had been already allowed, by its chief fupporter, to be defective and nugatory; and if modified as the right honourable gentleman faid he wifhed it, would be fo futile, that it would be unworthy the dig-

nity, the honour, and the sincerity of Parliament to entertain it; for, it held out false principles, and went to mark out, by an exclusive tax, a body of men who merited a very different distinction. Great pains had been taken to shew that the country was not in a flourishing state; how far gentlemen had succeeded, the House, he said, could not fail to determine, without his speaking a word upon it. But if it was not flourishing, but, on the contrary, was in a desperate situation, that House, he was sure, would not in its wisdom have recourse to a measure like the present, which could neither heal breaches, nor give consolation to despair. Here he entered into a comparative view of the state of the country at the present time and former years, and shewed that from the comparison, the nation had the best grounded cause for exultation. The revenue, which was an unequivocal test, had last year, ending the 5th of April, not only equalled the estimate he had given of it in 1783, but had produced a surplus of 240,000l. the application of which he would, in the Committee of Supply, move the House to vote to-morrow. But whatever the drift of the motion itself might be, the drift of the discussions on it, he said, was manifest; namely, to dispirit and discourage the public, and damp their zeal in the war. He said this, because it was his duty to say it; for he would not tamely suffer artfully-contrived or imaginary difficulties to be thrown in the way of the vigorous prosecution of the war, or of the exertion of the Executive Government.

Mr. SHERIDAN, in explanation, said, that his arguments had been mis-stated by Mr. Rose, for they went merely to induce the placemen to support the motion. He took notice of his having been once before the subject of the same joke (respecting his property in the theatre) in the same terse, neat, and classical terms, by Mr. Rose. Another gentleman (Mr. Pitt) had on a former occasion taken the same liberty; he trusted it would be the last time that there should be such unparliamentary allusion to the situation, circumstances, profession, or occupation of any gentleman in that House.

Mr. BURKE, in explanation, entering upon a discussion of his opinions respecting the power of the House of Commons to controul the expenditure of the money which it voted, was called to order.

The SPEAKER said, if the right honourable gentleman meant to confine himself merely to any misrepresentation or misapprehension of his former argument, he had a right to proceed.

Mr. BURKE said, that he only wished to enforce, that he clearly and unequivocally acknowledged the inquisitorial right of

the House of Commons to sift to the bottom every part of the public expenditure, when any shadow of grievance or abuse seemed to exist. In this opinion he had lived, and in this he hoped he would die.

Lord HOBART rose, merely for the purpose of vindicating Ireland from an aspersion of a right honourable gentleman opposite to him (Mr. Fox), which, if that gentleman had at all attended to the recent transactions of that kingdom, he surely would not have made. Since the year 1782, the people of Ireland had been gaining very considerable acquisitions in point of right; and it certainly could not be proved, that thereby the Minister of Great Britain gained influence in the British House of Commons. The measures in that country had been carried with a degree of unanimity highly honourable to every part of its legislature. He reflected with satisfaction upon the part that he had formerly borne in the government of that country; and from that feeling it was that he thought it necessary to refute the aspersion of the right honourable gentleman.

Mr. FOX said, he merely meant to assert that a number of additional places had been created in Ireland.

Mr. HARRISON, in reply, said, he must still consider it as his duty to press his motion, which was not new, but warranted by the history of the country. He concluded with saying, that Ministers shewed by their conduct that they were anxious to screen themselves from the burdens that they imposed upon others.

Mr. HUSSEY said, he differed with his right honourable friend (Mr. Fox) with respect to his opinion of sinecure places. He could not consider them in the same light as landed or freehold property, and he thought it would be better for gentlemen voluntarily to give up a part, than produce a convulsion by retaining them.

For the motion, 50; Against it, 117. Majority, 67.

MINORITY on Mr. HARRISON's Motion.

Anson, T.
Aubrey, Sir John
Baker, William
Bastard, J. Pollexfen
Bouverie, Edward
Burch, J. R.
Byng, George
Colhoun, William
Coke, Thomas William
Courtenay, John
Crespigny, T. C.
Curwen, J. C.
Foley, Edward
Fox, Rt. Hon. C. J.
Francis, Philip
Grey, Charles
Harrison, John
Harcourt, John
Howard, Henry
Howell, David
Hussey, William
Jervoise, Cl. Jervoise
Lambton, W. H.
Langston, John

Mc. Leod, Norman
Ludlow, Earl
Mainwaring, William
Maitland, Hon. T.
Martin, James
North, Dudley
Pelham, C. A.
Phillips, J. G.
Plumer, William
Rawdon, Hon. John
Ruffel, Lord Wm.
Sheridan, R. B.
Smith, Wm.
Speed, Henry
Spencer, Lord Robert
Sturt, Charles
Tarleton, B.
Taylor, M. A.
Thompfon, Thomas
Vaughan, Benjamin
Vyner, R.
Weftern, C. C.
Whitbread, S. jun.
Wilbraham, Roger
Winnington, Sir Ed.
Wycombe, Earl of

TELLERS.

Hon. T. Maitland, M. A. Taylor.

Wednefday, 9th April.

Mr. Chancellor PITT brought up a bill for the better management of the land revenues of the Crown in future, which was read a firft time, and ordered to be read a fecond time on Friday next. The Chancellor of the Exchequer moved the order of the day, for the Houfe to refolve itfelf into a Committee of the whole Houfe, to confider further of a fupply to be granted to His Majefty. The Houfe being in a Committee, he moved, that a fum not exceeding 475,022l. 13s. 10d. halfpenny be granted to His Majefty, to make good the deficiency of grants for the fervice of the year 1793. The refolution paffed, and the report was ordered to be received tomorrow.

The Houfe agreed to go into a Committee of fupply again on Friday.

Mr. Chancellor PITT moved the order of the day, for the Houfe to refolve itfelf into a Committee of the whole Houfe, to confider further of ways and means for raifing a fupply. The Houfe being in a Committee, he faid, he had the pleafure to inform them, there was a furplus of 231,000l. and upwards, for the year 1793, applicable to the fervice of the year 1794, and that there was an increafe of the revenue which had principally arifen in the laft year, notwithftanding all the difficulties and embarraffments of the war, and alfo the temporary embarraffments of commercial credit, which arofe from caufes independent of the war. He then entered into particular fums, and obferved, that the ftate of the revenue was fuch, that if the other three quarters were equal to that which ended in the month of April, the whole revenue of the year would amount to a fum fhort only by 100,000l. of the higheft revenue ever known in this country in time of peace, fuch for inftance as the year 1792.

After a ſhort converſation between him and Mr. Fox, in which the figures and dates were detailed, the Miniſter moved a reſolution, "That there be iſſued and applied the ſum of 231,841l. 16s. 8d. now in the Treaſury as a ſurplus of laſt year, to the ſervice of the year 1794." The reſolution paſſed, and the report was ordered to be received to-morrow.

Mr. DRAKE aſked the Miniſter, whether any and what ſum had been received at the Treaſury as a legacy from a private individual, for public purpoſes? He underſtood there was a legacy of this kind to the amount of 500l. left by a gentleman of the name of Wray. He had no doubt of the honeſt and faithful application of it, if it was received. He only wanted to be informed of the fact.

Mr. Chancellor PITT ſaid, it was not in his power to give the honourable Member any information on the ſubject he alluded to, having no knowledge whatever on this point.

Mr. DRAKE ſaid, he was perfectly ſatisfied with the anſwer.

A petition of the perſons, whoſe names are thereunto annexed, being principal Merchants, manufacturers, tradeſmen, and other inhabitants, of the diviſion of the Tower Hamlets, and the parts adjoining, was preſented to the Houſe, and read; ſetting forth,

That the Petitioners, having been informed that two Petitions have been preſented to the Houſe, for leave to bring in a bill to enable His Majeſty to licenſe, as a Play-Houſe, during the ſummer ſeaſon, the Theatre commonly known by the name of the Royalty Theatre, in Well Street, in the liberty of the Tower of London, beg leave to repreſent to the Houſe, that the building, which it is the object of thoſe Petitions to convert into a licenſed Theatre, is ſituated immediately between the great Silk Manufactories of Spital Fields, and the numerous and extenſive Quays, Wharfs, Warehouſes, Docks, Ship Yards, Rope Walks, and other moſt important naval eſtabliſhments, on the regularity, good ordering, and ſucceſs, of which, the proſperity, not of this metropolis alone, but of the whole kingdom, does moſt nearly depend: that Artizans of many deſcriptions work there till the hour of Eight in the Evening, and, on ſudden emergencies, to which, from the nature of their buſineſs, they are conſtantly ſubjected, to a later hour, and that many of the Petitioners are alſo buſied very late in their Compting Houſes, Shops, and Warehouſes, when they have occaſion for the attendance of different deſcriptions of perſons engaged in their employment, and it would be a moſt ſerious evil to them if their journeymen, ſervants, apprentices, workmen, and labourers, were expoſed to the temptation (which a Theatre ſo near at hand would neceſſarily offer) of abſenting themſelves from their ſeveral employments at a moment when their ſervices might be moſt required, and of rendering themſelves unfit for the labour of the following day, by the exceſſes of the Evening: that multitudes of people are employed below Bridge amongſt the ſhipping, whoſe leiſure depends entirely upon the tide, and for thoſe men to be loitering in a Play-Houſe, at the moment when they are wanted on the River, would be an evil of the laſt conſequence, immenſe property depending not only upon their exertions

but upon their punctuality; and that still greater numbers are employed in the Dock Yards, Rope Walks, and other places, where naval Manufactories are carried on, and that idleness, and dissipation, and a system of expensive amusement, introduced amongst them, might prove fatal, in moments of public exertion, to national equipments, and must be so at all times to the interests of commerce, the most important venture of the Merchant being often exposed to failure by a few hours delay in the execution of his order; and that the Petitioners being firmly persuaded, as well from the reason of the thing, as from their own melancholy experience, during the short time the said building was some time since opened as a place of public amusement, that these and other evils would be the inevitable consequence of its being now converted into a Theatre, and impressed with the most serious concern and alarm for the mischiefs that they conceive must necessarily arise to the Public and themselves, therefore pray, that the House will take their case into consideration, and that the said intended bill may not pass into a law.

Thursday, 10th April.

Mr. Chancellor PITT moved, that the order of the day, on the report of the Committee on the East-India loan bill, should be read; which being done, he said that he was sorry to have to inform the House, that his right honourable friend (Mr. Dundas) was prevented by indisposition from attending, and that he had doubts whether he should be able to explain to the House the nature of the business as fully as the threatened opposition of an honourable gentleman (Mr. Francis,) might render necessary. He therefore suggested, whether, for the better satisfying the House, the honourable gentleman had not better postpone his animadversions to another stage of the business. If, however, the honourable gentleman should think fit to proceed now, he would do his utmost to give the House the necessary information.

Mr. FRANCIS said, that on the subject of the loan of one million, which, by this bill, the East-India Company would be authorised to borrow, and to issue their bonds for the amount, a doubt occurred to him, which he begged leave to submit to the consideration of the House; namely, whether it would be consistent with the engagement entered into by the Chancellor of the Exchequer with the subscribers to the public loan of eleven millions for the service of the year, for Parliament to suffer any other public loan to take place this year, for the service of the India Company, or any other party whatever. That he considered the Chancellor of the Exchequer, in all money transactions with individuals for the public service, as the agent and representative of the House of Commons, and that his faith, once pledged in any agreement, was in effect the faith of the House, and could not be violated, without public dishonour and injustice. That he understood that the Chancellor of the Exchequer,

in settling the terms of the loan with the contractors, had explicitly and most distinctly declared to them, that, exclusive of Exchequer bills, to a certain amount, which he stated, and exclusive of two millions of navy debt, to be funded, there was no farther sum of money whatever to be raised or funded in the course of the present year. If so, the permission now given to the India Company, to borrow a million for the purposes of their trade, was a violation of the Minister's engagement to the contractors, and a breach of the public faith of that House. Mr. Francis took notice also, that this was not the only fact of the same kind, which had occurred. That the Irish Government were actually negotiating a loan of a million in the City, which could not happen without the concurrence of the Chancellor of the Exchequer, though he had never hinted at such a transaction in his negociation with the subscribers to the loan. That this attempt to raise money here for the service of Ireland, he believed, was against law; but, at all events, it amounted to another breach of faith to the subscribers.

Mr. Chancellor PITT affirmed that nothing of any kind, directly or indirectly, had passed between him and the gentlemen who undertook the loan, by which he was at all precluded from supporting the loan proposed for the use of the India Company, if they should want it. That, as to the Irish loan, it was not before the House.

Mr. FRANCIS asserted that, in stating the fact as he had done, he had spoken from authority, which he believed to be unquestionable.*

* In order that the reader may be possessed of the authority upon which Mr. Francis founded his assertion, it will be necessary to advert to a subsequent declaration, signed by the contractors for the loan, and by them fixed up at the Bank, for the information of the public, viz.

"London, April 28, 1794.

"Whereas it is reported, that a loan for the Emperor of Germany is about to be negociated in England, and by the authority of Parliament, We the under-written contractors for the loan of this year, think it proper and incumbent on us to declare, That it was a positive condition (clearly expressed and understood) with the right honourable the Chancellor of the Exchequer, that no other borrowing or funding should take place this year, but the loan of eleven millions and the funding of the navy, not exceeding two millions; and that the Exchequer bills, circulated with the Public, were not exceeded [illegible] millions, being the same amount as the preceding year.

"GODSCHALL JOHNSON.
"JAMES MORGAN.
"JOHN JULIUS ANGERSTEIN."

Colonel M'LEOD said, the right honourable gentleman had answered his honourable friend in a way that was not at all satisfactory. Whether the right honourable gentleman did or did not mention it to the subscribers, he must know the loan was not so good if he was to raise more money, and therefore he ought to have informed the subscribers of this loan of two millions and of one million.

Mr. D. SCOTT said, the honourable gentleman seemed totally to misunderstand the business. They talked about a loan to the East-India Company, and a loan of two millions. This bill only authorised the Company to issue bonds to the amount of one million if there was any necessity. Their petition did not even state that there was a necessity. They were to have reduced their bond debts this year to 1,500,000l. but they could only reduce them to 2,000,000l. because one million of debt had been remitted from India, and had been discharged. Whereas, when Mr. Secretary Dundas proposed that the bond debt should be reduced, he only meant that half a million of debt should be transferred from India every year, but, on the contrary, a whole million had been transferred, and the Directors thought it expedient to discharge it, rather than to reduce the bond debt to a million and a half, because the India debt bore 5 per cent. and the bond debt only 4 per cent. The Company only wished to issue bonds to the amount of one million, provided the exigency of their affairs required it.

Mr. FRANCIS replied, that he understood it perfectly, and it was the first time since he came into Parliament he ever heard, that the issuing of bonds to the amount of a million was not a loan.

Colonel M'LEOD said, if it was not a loan, he did not know what a loan was. The bill, with the amendments, was here ordered to be engrossed, and to be read a third time on Monday, if then engrossed.

Major MAITLAND observed, that in bringing forward the motion which he was then about to offer to the House, there needed no other apology, than the want of sufficient talents and eloquence in the person who undertook it. If in legitimate wars for the support of our allies, for the vindication of our honour in resentment of an injury, or, what was by far the best of reasons, in our own defence, a parliamentary inquiry into the operations was always thought proper to be instituted, how much more necessary was it in a war like the present, the motives of which were inscrutable and its objects undefined. To those who thought with him that our first operations were ill judged, that the deviation from the plan of the allies was imprudent and disastrous, that the British arms on the Continent were disgraced, that we acted perfidiously to those whom

we had solemnly engaged to defend, and that our armies on the Continent were now in a state of considerable danger, there was no doubt but an inquiry must be acceptable. But greatly indeed must the necessity of such enquiry be increased, when we came seriously to consider the use which the Ministers of the Crown were making of the alarms which they themselves excited, when in affecting to avert from the Constitution the dagger of mangling reformers, (a dagger which the right honourable gentleman himself had first brandished:) they actually surrendered it to the axe of butchering prerogative. To those, on the contrary, whose opinions were the reverse of all those, an inquiry should be equally desirable, in order that Ministers may have the opportunity of appeasing the anxiety of the nation, of confounding their opponents, and vindicating their own honour from unjust aspersion. There was another class of gentlemen, both numerous and respectable, within and without doors, who were perfectly aware of the blundering conduct of the Minister; yet, who from the necessity they conceived of carrying on the war were involved in a dilemma. They had already experienced deplorable inability in his councils, but wished to entrust him with the management of another campaign, relying only upon hope, the last refuge of the desperate. Persons of that description could not be insensible of the general advantage of enquiring, though unaccountably on this occasion they may be afraid to institute it. To these he had little to say. He must leave them to their dilemma. As he meant only to trace the campaign as far as the British arms were engaged, it would be sufficient for him to observe upon the two leading operations which evidently were the plans of the British Cabinet; namely, the unsuccessful attempt upon Dunkirk, and the still more unfortunate expedition to Toulon; but a variety of circumstances induced him to take a wider field of observation by which he could shew that every operation was unsuccessful in which the British arms were engaged. Here it would be necessary for him to repeat these declarations which he had frequently made before of having no design whatever to arraign the conduct of our Officers or the valour of our soldiers. As far as depended upon them the glory of the British name was sustained in all its ancient splendor. The misfortunes were uniformly to be attributed to mismanagement in Administration. The safety of our allies, so much boasted of by gentlemen on the other side of the House, could fairly be attributed to no exertion of ours whatever. The handful of men we were enabled to send to the succour of Holland could have done but little, even if they had an opportunity, but before they came to act the allies were already successful. If the avowed object of the war was to effect a change

In the internal Government of France, he would aſk whether after the ſafety of Holland was atchieved we could not have employed our forces better than by ſending them to Valenciennes? An event happened about that time which certainly afforded a very favourable opportunity of overturning the democracy of France. The execution of Louis XVI. had divided and convulſed all parts of that extenſive Empire. The armies of France upon the frontiers were beaten, and flying in diſmay before the victorious allies. In La Vendee was a revolt in favour of royalty, ſupported by adherents ſo numerous and zealous, that had we co-operated with them while they were victorious and increaſing, there was a better chance of effecting the reſtoration of the monarchy than could have been hoped for by acting in the Netherlands. Much confidence had been expreſſed with reſpect to the future ſucceſs of the war after a campaign repreſented to be ſo highly glorious and advantageous to us and our allies. Perhaps it may not be amiſs to view for a moment what were the ſentiments of thoſe allies themſelves, relative to this vaunted ſucceſs. The Duke of Brunſwick was undoubtedly at one time as ſauguine in the hopes of ſucceſs as could poſſibly be expected, nor did it appear that he left any thing undone to effect it. Yet at the cloſe of the campaign, ſo little pleaſed was he with the ſpecimens of French non-reſiſtance, or ſo forlorn was the proſpect of proving more ſucceſsful, or ſo little expectant of the neceſſary aſſiſtance, that he quietly returned home and reſigned his command. From this it was not certainly to be inferred, that he was highly pleaſed with the ſucceſs of the campaign. What was the opinion of General Wurmſer? Preciſely the ſame as that of the Duke of Brunſwick, for he alſo reſigned, and would have no more to do with it. He came next to conſider the opinion of that illuſtrious and ſucceſsful Officer, the Prince of Saxe Cobourg.

There was little reaſon to ſuppoſe that he prided himſelf much more in the ſucceſs of the campaign, or augured better for the future than the two former Generals. It was not indeed confirmed that he had yet reſigned his command; but he was enabled to ſtate, from good authority, that his reſignation was not far diſtant, and the Emperor in perſon was to aſſume the command. What was the opinion of the Empreſs of Ruſſia? That was not difficult to be diſcovered from the deſigns ſhe was at preſent meditating. Since the acceſſion of that Princeſs to the Imperial dignity, ſhe never regarded the affairs of Europe in any other point of view than as ſhe could convert them to her own intereſt and aggrandizement. From the events of the laſt campaign ſhe finds leſs occaſion for concealment, and her views begin to unfold themſelves. Oczakow was

lately deemed of sufficient importance to involve this country in the distresses of a war, and we had now the prospect of seeing that same Empress, whom we were then vainly bullying, making her triumphal entry into Constantinople to oblige the Grand Turk to renounce his neutrality. The opinion of our faithful ally the King of Prussia came next under observation, and such indeed was the whole of the conduct of that Great Personage, that it deserved to be considered a little more at large. Of all the powers engaged in the war against France, there was not one for whose interference some reason might not be given, save only the King of Prussia, whose concern in the business no ingenuity could possibly discover. The Emperor, from his relation to the Royal Family of France, and the danger that was menacing his territory; the Spaniards, Sardinians, Dutch, &c. had all some excuse to offer; but what was the excuse of the King of Prussia? Towards the close of the year 1789, when all Europe had recognised the new Constitution of France, accepted by the King, his Prussian Majesty was the only sovereign who, alive to the dangers that menaced the sacred rights of Kings, protested against French principles, and prepared for their suppression. A combination of events succeeded, which drew other great powers into the confederacy which he was so anxious to form, and without having sustained, or having any reason to apprehend, any injury whatever, proceeded to the invasion of France. Yet the issue of the last campaign gave this champion of monarchy a different view of the subject; and, according to a State Paper, which the Major read from a Frankfort Journal, he had ordered his armies to retire from the confines of France, with the exception of his contingent of 20,000 men. This conduct did not, in his mind, indicate any very flattering opinion entertained by the King of Prussia of the success of the last, nor add much to the probability of success in the ensuing campaign. He came next to the opinion which the Emperor himself appeared to entertain of the fortunate issue of this boasted campaign. View the condition of these armies, which in the commencement of the last year under Cobourg and Clairfayt, carried victory and conquest through Belgium into France. Stopped in the career of these successes, they lost ground in the close of the campaign; and now, instead of rushing on to repeat their victories, they remain immured in their intrenchments, waiting for an attack. In addition to this he had recourse to what was thought so flagitious a measure in the French, but is, of course, so justifiable in him, the expedient of raising his people in a mass, and putting arms into their hands. Indeed so contagious seemed to be the influence of French example, that the Minister of this

[illegible]ntry does not disdain to imitate the persons he reviles. The French raised patriotic donations, he requires voluntary contributions; they raised the people of France *en masse*, and put arms into their hands; he raises the people of England *en masse* and puts arms into their hands also. The whole of the system pursued by the Ministry in this war was a system of imitation, though if example should have influence in warning men, they ought to be deterred from it. In the American war it was said, shall an undisciplined rabble contend with the well-disciplined armies of Great Britain?—Shall a vagabond Congress not speedily be made prisoners?—Shall their depriciated paper currency prevail against our gold? The supposition was scouted, but the fact eventually took place; such exactly is the cry at present. Shall the anarchy of France counteract the wisdom of Cabinets; Shall their assignats be current against our solid guineas? Shall miserable Sans Culottes make head against the disciplined veterans of Austria and Prussia? Shall the rabble of Paris presume to make head against the Duke of York? All this may seem improbable, and yet the thing has happened. The proper period from which to date the settled plan of operations for the campaign, must necessarily be from the meeting of the Congress at Antwerp. The result of that conference evidently was, that the allied armies should concentrate their force, and act with an united impulse. A judicious plan unquestionably it was, and while it was pursued the confederate arms were victorious. Our failures and misfortunes began from the moment of our departure from it. There was no difficulty whatever in ascertaining the quarter from whence this alteration originated. The allies in general could derive no advantage from a division of the forces, and tracing the measure to those who were interested in the particular enterprize, it naturally belonged to the Cabinet of St. James's.—In every military point of view all detachments must be hazardous, and their success must ever depend on celerity of execution. Yet, as if unconscious of this truth, founded upon reason and experience, three weeks had elapsed from the surrender of Valenciennes before the British forces proceeded on their expedition to Dunkirk, a delay the less excusable, as they were not in the interval engaged in any other enterprise or any active service. The Duke of York arrived before Dunkirk on the [illegible] day, on which it was appointed, that the ordnance was to meet him. But on summoning the place, he had not a single gun to employ, or a single gun-boat to assist him. The Master General of the Ordnance, and the First Lord of the Admiralty were equally culpable in this neglect, so flagrant and disgraceful, that it demanded the strictest investigation. Thus did the

gallant Prince, who with diligence and ardour pursued the expedition, experience, in sight of his own shore, the painful mortification of seeing his project frustrated; and thus did his brave followers, flushed with the hopes of conquest, almost within the view of their kindred and their friends, find their laurels blasted in being deserted by their country. The ordnance indeed arrived eight days after the appointment, and when the opportunity of using it was lost irretrievably. It had been said in the way of consolation for this discomfiture, that by the expedition to Dunkirk the allies gained Quesnoy, a place of equal importance. To this he would reply, that nothing was a recompence to us for the disgrace of our arms, and that another incidental acquisition was no apology for the neglect which occasioned that disgrace. Besides, it was an error to suppose that the capture of Quesnoy was by any means a consequence of the attempt upon Dunkirk, for by making that attempt we hazarded both objects, whereas by remaining united, the allies would have made sure of conquering Quesnoy first, and Dunkirk afterwards. He next came to the affair of Toulon, in which, he said, there appeared a series of treachery and mismanagement dishonourable to the British name. How we became possessed of it had been represented variously by Ministers, as it suited their purposes. At one time its surrender was held out as a proof of the confidence entertained by the good people of France in the faith of Englishmen, and the general disaffection to the existing Government. At another time it was instanced as a proof of the great wisdom, skill, and intrepidity of Lord Hood, who so completely blocked up a superior fleet in the harbour of Toulon, that by dint of famine he obliged them to surrender. He ridiculed the supposition of such a blockade as could induce such a city to surrender, and compared it to another celebrated blockade of Marseilles, by the same noble Lord, as recited by himself, that he had received an intimation that General Carteau was preparing to carry off from Marseilles a considerable sum of money; "which design," said the noble Lord, "I have taken effectual measures to prevent, by sending a cruizer to hover on the harbour." The reasoning in both cases was equally absurd. While the harbour was blocked up Carteau could not take away the money by land, nor the Toulonese receive provisions. In truth, there was no denying but we obtained possession of Toulon by treaty, and by that only. The fall of the Girondins had spread disaffection and revolt throughout the extent of the Republic, and more particularly in the maritime places. The whole navy, from the Admiral to the common sailor, was hostile to the Convention, and it was while this impression was on their minds that Lord Hood

made that unfortunate acquisition. He did not, however, obtain it but on condition of affording them protection, and guaranteeing to them the constitution of 1789. Thus the transaction stood for a while, until there was an opportunity for the hand of the Minister to appear in it, after which the Toulonese were promised to have such a Government as should be agreed upon; that is, they were to be governed by an hereditary despot, who was to treat them better than the other despots his ancestors. When Lord Hood took possession of the place, he stated, that Carteau was at hand with an army of 10,000 men to oppose him, and that the army of Italy, the number of which he did not know, was also on its march, yet having landed 1,800 men, he considered himself secure against any attempt that should be made.—Thus with an army of 1,800 men, he was able to defend a circumference of 15 miles, and man eight strong forts. If the Minister was of opinion that Lord Hood would have been able to starve Toulon into a surrender, he would unquestionably have provided against the event; but so unexpectedly did it happen after the discomfiture of the Girondist party, that they were not prepared with a military officer to command their army of 1,800 men. Captain Elphinstone, to whom the command was entrusted, behaved with that prudence and bravery for which he was distinguished, and which might be expected from his character; but being of the naval profession, he would not have been selected for that command, if the possession of the place had been in contemplation. Lord Mulgrave, an officer whom he was now glad to see in his place, and of whose military skill no man thought more highly, soon after took the command of 2000 men, in addition to those who were already in the garrison, with which he not only made some very fortunate sorties, but also put the enemy to the rout; and had declared in his official letters, that "he felt himself and the place in a comfortable state of security." As the garrison still continued to increase, the public mind might well be satisfied with such repeated declarations. About this time Lord Hood, of his own authority, without assigning any reason for it, and without any communication whatever with Parliament, thought proper to give away four line of battle ships, by sending them to Brest, to increase the naval force of our enemy. This was an act of authority which he was not entitled to exercise, and which should not pass unnoticed. It was not till the unfortunate capture of the courageous Governor O'Hara, that the true state of this place began to be suspected in this country. Then came out the extraordinary and unexpected discovery, that though a short time before such a handful of men as 1,800 were deemed a sufficient force against an army

of 10,000, yet now it was apprehended that when we had 15,000 men in the place, we were not likely to maintain our ground against 35,000 besiegers. It was with extreme reluctance that he found himself obliged to impute personal blame to any officer whatever, but justice compelled him to arraign Lord Hood and General Dundas of the greatest misconduct in not making provision against an event which they knew to be inevitable. Lord Hood was much to be blamed in not previously securing the whole of the French navy, which he might have brought off with the utmost facility. Both commanders were much to blame in not making dispositions for securing and bringing away the miserable inhabitants. It was indeed true, a considerable number had embarked, but small was that number when compared with the wretches that were left behind, and given up a sacrifice to those, from whom they had put themselves under the protection of the English. The attempt to destroy the stores and navy was as pitiful as it was ineffectual. They were set fire to, but the fugitives could not tell the extent of the conflagration, and there was reason to think it fell greatly short of destruction. Had we been disposed, as a people distinguished for fidelity, to keep our engagements with the people of Toulon, there appeared to have been sufficient means to have effected it. It was an opinion which no military man ever disputed, and which was acknowledged under the old government of France, which possessed the best officers and the best engineers in the world, that Toulon, against a besieging army, could not be defended but by a covering one. The armies which should have covered Toulon were remaining idly in England, one under Sir Charles Grey, and the other under the Earl of Moira. The expedition under that noble Earl, though he did not intend to make it an object of the present motion, called for a few words from him.—No man could entertain a higher opinion of the merits of that noble Lord, and his great military talents, than he did. To shew that this was a project with which the country had been amused without a hope of its being successful, he only desired to state his Lordship's own words in the other House of Parliament, (which he then quoted). Let those who think that we have been successful in the last campaign, or those who look with hopes to the better success of the present, consider how it is commencing. (Save the capture of a paltry island in the West Indies, and a fort in the East Indies, taken almost at the commencement of the war, there is no success that we can boast.) The same line of conduct is still pursuing in the Mediterranean which has failed at Toulon.—An attempt is making to reduce Corsica with only 1,400 men, an enterprise that could be attended with neither

honour or advantage to the officers employed in it.—The same uncertainty, with regard to the expedition of Lord Moira still remains. In every point of view in which the subject could be viewed, it was one that demanded inquiry. He concluded by moving, "That this House will resolve itself into a Committee of the whole House, to take into consideration the causes which led to the failure of the army commanded by His Royal Highness the Duke of York at Dunkirk, and the causes which led to the evacuation of the port and town of Toulon, by the army and fleet under the command of Major-general Dundas, and Vice-admiral Lord Hood."

Mr. JENKINSON observed, that he was ready to declare, notwithstanding what had been so confidently asserted by the honourable gentleman (Major Maitland) that there was no expedition that had been planned by the British Cabinet which was not eminently successful, and that the whole system of the campaign was founded in sound wisdom and true policy. In the first place, he would take a view of the several enterprizes that had taken place during the course of the last campaign, and, in the next place, consider the system of the campaign itself. In no one instance that occurred in the history of this country, had so considerable a force been raised as during the last campaign. The greatest force that this country in any one former period had raised, did not exceed 22,000 men; the force that was raised and equipped in the last campaign amounted to upwards of 37,000 men. This one circumstance alone was sufficient to shew the extraordinary exertions that had been used by the Government of the country. He would maintain that the expeditions of which the Duke of York had the command, were wisely planned, and ably and gallantly executed. No man could deny but that the preservation of Holland was entirely owing to the British guards being sent into that country. This was a circumstance that even that crafty General Dumourier himself had acknowledged. It was not less singular than astonishing, that throughout the whole of the honourable gentleman's (Major Maitland) speech, that honourable gentleman had evinced an unusual anxiety to take away all credit from the British Government, in cases where the combined arms had proved victorious. That honourable gentleman did not recollect, that in all the enterprizes that had been planned by the combined powers, the British Government had a very considerable share. Subsequent to the evacuation of the Low Countries, two very important actions took place, the battles of St. Amand and Famars. The next object that came under consideration was the fall of Valenciennes. There the British army was the besieging army under a British commander,

and succeeded in the capture of that important fortress. He could not see any reason why the British arms should be deprived of the laurels that they so gloriously acquired in that enterprize, unless the honourable gentleman would be pleased to say, which he could not imagine he would, that there was a greater proportion of Austrians and Prussians than British troops in that army. Even admitting that mode of reasoning, the force of it would equally apply to the expedition against Dunkirk. Of that expedition he begged leave to say, that no possible blame could attach either upon the officers or men that had been engaged in it, but, on the contrary, the greatest degree of praise. He would now proceed to shew why he approved of the expedition against Dunkirk. The honourable gentleman had totally forgot to mention, in the course of his speech, the event that occurred in the Camp de Cæsar. In the first place, he would consider the object of Dunkirk; and in the next place, he would consider, admitting the obtention of it to be an object, the force that had been sent against that place. No man could deny, that the capture of Dunkirk would not tend to ensure safety to West Flanders; and the possession of it would be of considerable consequence, if at any future period an attack upon Lisle should be found necessary. The maritime benefits were also obvious, as Dunkirk would afford to the cruizers in the North Seas very considerable advantages. Considering Dunkirk as an object, it was clear, that if the expedition was to be undertaken at all during the last campaign, it could not be undertaken at a later period than it was, for various important reasons. Regarding the peculiar situation of Dunkirk, which, if it was not attacked at a particular season, could not be attacked at all, and considering the existing circumstances of the times, it was perfectly plain, that a detached body from the combined army was absolutely necessary to be sent against that place, at a time when the whole of the combined army could not be brought against it; for Mons and Brussels could not be considered safe till Quesnoy and Maubeuge were reduced. But though the attack had proved unsuccessful, yet the event of that attack was productive of the most solid advantages. To repulse with success the army that had been sent against the place, it became absolutely necessary to draw together a considerable force, to be an overmatch for our covering army. This actually was the case; for the French having drawn off a very extraordinary force from the lines of Weissembourg, to repulse our covering army at Dunkirk, Quesnoy became an easy conquest. From this circumstance it was apparent that Dunkirk was looked upon as an object by the French. Considering the capture of Quesnoy, which was

the undoubted consequence of this diversion, and regarding the other existing circumstances of that period, when the main army of the combined powers was directed to the obtaining advantageous posts, and to the keeping in doubt and in check the army of the enemy, no blame was to be imputed to the troops sent against Dunkirk for their want of success, inasmuch as they had to contend with a very superior force; nor to the planners of that expedition, for not sending the whole of the combined army to the reduction of the place. The next point that the honourable gentleman (Major Maitland) had touched upon, was the affair at Toulon. By the declaration at Toulon, the honourable gentleman said, that the British honour and the British faith stood pledged to the constitution of France. He begged leave to remind the honourable gentleman, that the words of the Declaration were, "*the constitution accepted in the year* 1789 *." It was evidently upon this that the treaty was founded. The second article of the Declaration stated that the *white flag* was hoisted. Every man knew that the *white flag* was abolished, by order of the Constituent Assembly. Then, taking the purport and the date of the Declaration, wherein it was stated that peace and tranquillity would succeed the four years of anarchy and confusion, it was evident, that by the constitution of 1789, was not meant the constitution of 1791. But even admitting, by way of argument, that to be the case, the inference that had been drawn by the honourable gentleman was totally false; namely, that we pledged ourselves, in the most unqualified manner, to render protection to the inhabitants of Toulon; for Lord Hood said, that if the Toulonese declared themselves in favour of the French Monarch, his Britannic Majesty promised them conditional protection. The Toulonese consequently declared in favour of Louis XVII., and Lord Hood, in the name of his Britannic Majesty, promised to protect them, and to restore the town to Louis XVII. when on the throne of France, and when we were at peace with that kingdom. We did not, as the honourable gentleman had stated, promise to do one thing at one place, and another thing at another place. No; the conduct pursued by Great Britain during the campaign was uniform and consistent. But what was the real nature of the war? It was not to establish any particular system of Government, but to defavoy an existing system of Government in

* For this, and the other papers alluded to in the course of this debate, vide a Collection of State Papers relative to the War against France, now carrying on by Great Britain and the several other European Powers, printed for J. Debrett, Piccadilly.

France. He would contend that the language that was held by his noble friend, was perfectly consistent. It was to be recollected, that the subjugation of Lyons had enabled the French to come against Toulon with considerable superior force. Insinuations had been thrown out that were totally groundless, relative to the evacuation of Toulon. In answer to such groundless insinuations, he had only to observe, that every man was taken from that town, on its evacuation, that felt himself disposed to go. The Commissioners, in that case, he contended, had acted with great humanity, and no blame could be imputed to them. There were some of the inhabitants that would not leave the place, in the hope of gaining the good will of the enemy, by opening to them the gates of the town. With respect to the four ships of which the honourable gentleman made mention, the only reason for sending them into the port of the enemy, and no better reason there could be, was, that there were five thousand French seamen in the harbour of Toulon, so excessively riotous and turbulent, that, for safety's sake, the Commissioners were obliged to send them away in four ships. The honourable gentleman (Major Maitland) blamed Administration for not sending our whole force against Toulon. That was an engagement into which Great Britain had never entered. Our engagements never went to that extent. The nature of our engagement went to such an extent as was consistent with the various objects of the war. He would contend, that as considerable a force was sent to reduce that place, as, under certain circumstances, ought to have been sent. The next point that the honourable gentleman dwelt upon was, that the expedition that was planned, and of which a noble Lord (Moira) had the command, had totally and completely failed. This could not possibly happen, since the expedition had not in fact proceeded to any extent; for till the Royalists came towards the coast, we had continued the war in Flanders. If the war was to be carried on in Flanders, it became impossible for us to send any effective force into the interior of the country. As soon as ever the Royalists made approaches towards the coast, we instantly prepared to succour and assist them.

Mr. Jenkinson said, he would then say two words respecting the system of the campaign. A good deal had been said about the term "security." A right honourable gentleman (Mr. Fox) had, on a former occasion, said that the same security might be had in this war as had been had in any former war, and adduced, by way of instance, the treaty of Ryswick. In regard to this, he would contend with that right honourable gentleman, that there was not the least possible ground for such an argument, and that the instance

that right honourable genntleman had given could not bear him out in his assertion. That right honourable gentleman should have recollected, that the treaty of Ryswick was concluded by Louis XIV. at a period when that Monarch had a design to introduce the Pretender into this country; and in order the more effectually to put that design into execution, and to throw a veil over his intention, he entered thus perfidiously into terms of peace. But was that a parallel case? Most certainly not; for then this country entered into a peace that was grounded on a temporary security, while at the same time she ran the risk of any circumstances that might in the course of human affairs arise either to destroy or confirm it. Was that the case of France at present? No, Great Britain had not the least security for a single hour! Were this country to make peace with France under the circumstances existing at present in that unhappy country, independent of the insecurity that was attendant upon such a peace, inevitable ruin and destruction would fall upon the head of the person there that would conclude it. This he considered to be a complete answer to the assertion of the right honourable gentleman.

All the disorder, anarchy and confusion that distracted France, flowed from one source, namely, the Jacobin Club. It was the object of the Jacobin Club, ever since the destruction of Federalism, to extend their influence to several corresponding Clubs throughout the country. In the execution of this, the Jacobin Club took especial care never to vest any of those inferior Clubs with supreme authority, but to make them uniformly dependent. Hence he argued, that if the Jacobin Club was once destroyed, the several inferior and dependent Clubs, from the circumstance of their being so numerous, would not immediately agree in any one object round which they might rally. It was generally allowed that the influence of the capital in every country was very great, but in no one country was it so great as in France at the present day. Another argument advanced by the honourable gentleman was, that the people were less disposed to insurrection now, than they were during the last campaign. But the inference that the honourable gentleman had drawn from this, was wholly unfair. Would the honourable gentleman prove, that although actual insurrections were not now so numerous nor so great as they were during the course of the last campaign, the seeds of insurrection and rebellion were less now than this time twelvemonth? From his own knowledge he was ready to declare, that the spirit of insurrection was as great, if not greater, at the present day, than it was last year in the three greatest Cities next to Paris, namely, Lyons, Marseilles, and Bourdeaux. There

were other places where that ſpirit of diſaffection had manifeſted itſelf in a very ſtrong degree. When the Royaliſts had lately paſſed the Loire, they were allowed to proceed forward without ſuffering any prevention from the peaſantry; and when the Republican army had paſſed the ſame way, they were fired upon from the Villages. Mr. Jenkinſon was confident, that if the Jacobin ſyſtem was deſtroyed in Paris, the ſyſtem of anarchy would be deſtroyed in France. What was the beſt means of deſtroying this ſyſtem of Jacobiniſm? If the war was carried on in Brittany, it could not be carried on in the Low Countries. Were that ſyſtem purſued, there was no poſſible chance of ſucceeding. To carry on the war entirely in Brittany, was to bring conſequent deſtruction upon our army. Defeat and diſmay muſt have been the inevitable conſequence, and the Almighty alone knew whether Europe could withſtand ſuch another ſhock. In his opinion, the beſt mode of carrying on the campaign, was the making ourſelves maſters of ſeveral poſts in the Low Countries, ſo as to ſecure the marching forward of the combined powers into the interior of France. He had no difficulty in ſaying, that the marching to Paris was attainable and practicable; and he, for one, would recommend ſuch an expedition. While the preſent ſyſtem exiſted in France, the enemy had only one advantage over us, namely, the power of bringing a ſuperior force to any one place; but on our ſide there remained many conſiderable and peculiar advantages: we not only excelled the enemy in ſtrict military diſcipline, but in the ſuperior force of our cavalry. In the preſent diſorganized ſtate of France, it was impoſſible that ſhe could raiſe cavalry as eaſily as infantry. During the latter part of the laſt campaign, the cavalry of the combined powers, owing to local circumſtances, had been of very little ſervice. The moment that the poſts that enſured ſafety to the marching forward of the combined powers were ſecured in the Low Countries, at that very time the cavalry could be brought to act with very conſiderable advantage. Under the diſadvantages that he had before ſtated, Valenciennes and Queſnoy fell before the victorious arms of the combined powers. There was every proſpect of ſucceſs in the next campaign. The valour of the Britiſh troops was diſtinguiſhed in the laſt, as it ever had been in every campaign. He would leave the French to exult on account of the battle of Jemappe, where, *mirabile dictu!* 60,000 Frenchmen defeated, though with conſiderable difficulty, 17,000 Auſtrians. At the ſame time he need not mention the battle that was fought at a certain place (Lincelles,) where 1500 Britiſh troops defeated and cut to pieces no leſs than 5000 Frenchmen. That ſignal victory would remain an everlaſting honour to the men and to the Commander that

engaged in so hazardous an enterprise. It was said, that this was a commercial country: the only way to preserve that commerce and prosperity, he contended, was by encouraging a martial spirit in this country; that sort of martial spirit that in cases of emergency would find its way to the plough and to the loom. Since we had, during the course of the last campaign, defended Holland, captured Quesnoy, Valenciennes and Conde, recovered the Low Countries, and almost crippled the French navy, he could not be convinced that there was the least ground for the present motion.

Lord MULGRAVE, sensible how unnecessary it would be for him to enter generally into the subject, after the eloquent and able manner in which it had been treated by his honourable friend, conceived it, however, his duty, from the situation in which he had happened to stand at Toulon, to say somewhat in reply, to the allusions which had been made to the transactions that took place there. There appeared to him, his Lordship said, to be three points, to which the objections of the honourable Major seemed principally to be directed. A want of faith in the conduct of the civil affairs of that town, a neglect in providing the necessary means of defence, and a criminality in the manner in which the evacuation of it took place. In the first place, with respect to the civil affairs, he utterly denied that any thing like breach of faith was imputable to the British upon the occasion. In taking possession of the town, there was but one insulated provision adopted, by which the regal Government in the most general terms was established. With respect to the hoisting the white flag, he related an anecdote to prove that it was an act not imputable to the British, but purely that of the inhabitants alone. On the day on which it was resolved to hoist the white flag, the principal magistrate of the town, (to whose talents and zeal for the public good, his Lordship bore the most honourable testimony) waited on him as Commander in Chief, and requested his presence, and that of his officers, at the ceremony of exchanging the one flag for the other. To this request he found it his duty to give the most absolute denial, alledging at the same time as his reason, that the act itself was decidedly that of the French nation alone; and, therefore, he conceived it highly improper that the presence of foreigners should give it the appearance of being done under their influence. With respect to the Constitution of 1789, that was adopted in the stipulation between the people of Toulon and us, for the purpose of quieting the fears of all descriptions of persons, and to remove all apprehension of the restoration either of the ancient or modern despotism. In fact, so little were the people themselves acquainted with, or agreed upon any precise idea of what

were the terms or Conſtitution for which they had ſtipulated, that confined as his intercourſe with them muſt have been, from the multiplicity of buſineſs in which he was involved, he found the moſt oppoſite ſentiments and ideas to be entertained upon the ſubject. Some he heard expreſs ſuch deteſtation and horror of the old deſpotiſm; her baſtiles, lettres de Cachet, &c. &c. that they were ready to undergo every extremity rather than ſubmit to it; while others conceiving that they had adopted the ancient ſyſtem, wondered at the continuation of the modern authorities, the Sections, Tribunes, Magiſtrates, &c. when they had agreed to the reſtoration of monarchy, with all its appendages of nobility, orders, and prieſthood. Thus they themſelves were by no means agreed as to what ſhould be their future form of Government. With reſpect to the departure of the four ſhips alluded to by the honourable gentleman, the truth of that tranſaction was ſimply this: When the town was given up, it was by treaty, which provided for the preſervation of the public property: Of this deſcription were the ſhipping, which however, were not ſurrendered but with great difficulty; and indeed a part of them came into terms only becauſe they found their force inadequate to the means of reſiſtance. In this fleet were above 6000 ſeamen, who made no ſecret of their averſion to the counter revolution, and who behaved in ſo riotous a manner, and kept them in ſuch continual alarm leſt they ſhould riſe upon them, that it was found neceſſary, for the preſervation of the remainder, to ſacrifice a part; and by furniſhing them, according to their deſire, with four ſhips to carry them to Breſt, to avoid the two evils, either of keeping them within their own walls, under continual alarms, or to have turned them out to join the numbers, and increaſe the force of the beſieging army. With reſpect to the ſituation of Toulon, ſubſequent to this period, he had ſomewhat to ſtate. Here he begged to notice, a remark that had been made on him in his abſence, that he had ſent home diſpatches, ſtating the comfortable ſecurity of the place, and yet had followed them home within a few days himſelf. The fact was, thoſe diſpatches had been ſent off a conſiderable time before, but, by delays on the way, had not reached this country, till cloſe upon the time he was obliged to return.—Never in his life did he quit a ſituation with ſuch regret as upon that occaſion. Having held the rank of Brigadier General *pro tempore* before any communication had taken place with this country; ſuffice it to ſay, the appointment was not continued by the authority here, and he therefore was obliged to return, in conſequence of the new commiſſion that was appointed, not being able to act in a ſubordinate capacity. With reſpect to the grounds upon which he

held out the idea of a comfortable security, as to our continuance in possession of Toulon, they were these—Instead of an extent of fifteen miles that we had to defend, as had been stated, the farthest extent of any of our posts did not exceed two miles from the centre of Toulon. It was true, that of the eight posts we occupied, the whole of them were not in such a state of forwardness as we could wish, owing to a want of engineers; but in return for that, the besieging army, under Cataux, was composed of the very worst troops in France, none of the troops of the line having as yet joined them; and from the manner in which the General himself occupied certain posts, to the neglect of others more advantageous, he was not led to form any very high idea of his skill, or to conceive any violent apprehensions of danger from his efforts. Lyons too had not at that time fallen, nor did he expect it would, at least speedily. Add to all these circumstances, he had applied to General De Vins, who commanded the Piedmontese troops, for succour, who returned him for answer, that though he could not immediately assist him as he wished, owing to some enterprise he was about to undertake, yet he had such well-grounded hopes of success, that he trusted he should be able in a short time, perhaps eight days, to force the French to evacuate Nice, and to succour him with redoubled effect, by an addition to his force of twice the number, and also by the discomfiture of the common enemy. The failure of that General in those plans, he had not learned at the time of his sending off these dispatches. He trusted, therefore, that the House would feel he was not without some foundation for expressing such a comfortable confidence in the posture of our affairs, as might tend to raise the public spirit at home, and at the same time depress that of our enemies. With respect to what followed, subsequent to his departure from Toulon, he would not undertake to say one word, nor did he feel that the characters and talents of those in whose hands our affairs were entrusted, needed any defence, or could be in so good hands as their own. He could not, however, avoid appealing to the feelings and discretion of the honourable Major who brought forward the present motion, how far he ought to suffer himself to be drawn into accusations of military men in their absence; he was himself a gallant officer, to whose talents his country would one day probably be much indebted, and he put it to him to consider how he should like, while risking life, health, and reputation in the service of his country, to have his character impeached, and perhaps his fame blasted, by the attacks of a young political Major. It was a hard return for military men to be exposed to such attacks in their absence, doubly so, when perhaps they would find them-

felves obliged to facrifice part of their reputation to their fenfe of duty. With regard to the evacuation of Toulon, he was convinced no blame could attach to the conduct of commanders. If public preparation had been made for that event, interruption from the enemy, or oppofition from our allies might have impeded or prevented the effect of fuch preparation. As to the charge of neglect in Minifters in providing the means of defence, he fhould only fay, that he was convinced that if fuccefs had attended the efforts made on that occafion, in any proportion, Toulon would have been in our hands to-day, nay, even under all exifting circumftances, he would ftake his life, his character, and every thing moft dear to him, as a man and a foldier, that if the whole of the garrifon had been Britifh, he would have preferved that ftation to this country down to the prefent hour.

Sir JAMES MURRAY declared, that he fhould not long intrude on the patience of the Houfe, but there was a circumftance or two that had been ftated by the honourable gentleman who brought forward the motion, to which he wifhed to fpeak, and likewife to make fome remarks on the military ideas he had expreffed. He before had given his opinion and ftill retained it, that the main feat of offenfive operations near Valenciennes, was well chofen; as at the fame time that it afforded the beft profpect of penetrating France, it effectually fecured a defenfive barrier to the Netherlands. Whether, therefore, we look to felf-defence of fuccefsful attack, the choice was moft proper, and fortunately united both without facrificing either, and led moft directly to an effectual profecution and fpeedy termination of the war. Dunkirk, concerning which fo much had been faid, was allowed on all fides to be a place of great importance; and if fo, it was proper to attempt to get poffeffion of it, and this could not be done in any other manner than what had taken place, without lofing fight of the main plan of the campaign, as conducted by the Prince of Cobourg; for if the whole army had attempted it, the other objects muft have been relinquifhed. Bergues might be regarded, he faid, as the citadel of Dunkirk, and was computed to refift three weeks, even if the whole army of Cobourg had advanced, for only a given number of men could be actually ferviceable on a fiege, the remainder muft neceffarily conftitute a covering army. Suppofing, for inftance, a fiege requires 50,000 men, 100,000 will not expedite the capture of the place a fingle day, and in the prefent inftance the main army could not have returned to profecute the fiege of Quefnoy or Maubeuge till the feafon would have been too far advanced for fuch an undertaking. Unlefs, therefore, the main defign had been relinquifhed, it was neceffary, if at all, to

undertake the siege of Dunkirk as a detached service. The policy of a detached plan was to be estimated by the injury it might occasion to the main object, however desirable in itself. In this case no injury whatever occurred to that, as the siege of Quesnoy was necessary, and the remaining force with the Prince of Cobourg was fully adequate to that undertaking. When it was determined as a detached plan, no time whatever was lost in following up the execution with as large a force as could be spared after the capture of Valenciennes, and the army was before Dunkirk on the 23d of August. On the 5th of September it became necessary to retreat. The cause of this event, was the immense forces the enemy had collected, and on this subject he differed from the opinion expressed by Major Maitland, that the *leve en mass* had not taken place; if not, certain he was, that the most vigorous measures had been taken to recruit the army, as he well ramembered that an insurrection took place among the peasants, on account of the violent means used to oblige them to enlist. A part of the army of the Rhine and Moselle had joined the northern army by the 22d of August, and nearly at that period the siege of Dunkirk was commenced, and by some prisoners taken on the 6th of September, he was told that large detachments had been sent in waggons from Basle in Switzerland. He alluded to a letter that appeared in the public prints from the Duke of Brunswick, and which he deemed authentic. This, he said, mentioned the fact of the junction between the armies of the Rhine and the North, and attributed to that event the failure at Maubeuge. He disclaimed all imputation on the Board of Ordnance, and said the retreat from Dunkirk was not owing to the want or late arrival of cannon, or stores. The time fixed for their arrival was between the 20th and 28th of August, and in fact, part arrived on the 22d, in the morning. The most important plans of the campaign, he contended, had succeeded, and it was but little detraction of its general success to say some one detached plan had failed. It never, he said, was seriously thought of by any body that he knew, to penetrate in that campaign to Paris, or near it. The exertions to save Dunkirk he represented as contributing to lose Quesnoy, and that if the siege of that town had been foregone, he had no doubt that Dunkirk would have fallen. He could not agree, however, that the failure before Dunkirk in any degree contributed to the want of success before Maubeuge; they were objects totally distinct, plausible as that idea might on a slight examination appear. In addition to the evidence of the immense force collected to relieve Dunkirk, he mentioned a report of 60,000 men being in the vicinity of Lisle, a report, how-

ever, which he believed rather better founded than those which were circulated in this country, about the loss of artillery before Dunkirk, which was the only colour to any thing like disgrace on the subject, and when examined would appear destitute even of that colour. The siege of Dunkirk, as it failed in its object, might be called a defeat, but it was not every defeat which entailed disgrace. The retreat was orderly and slow, nothing was lost but a few cannon, and some inconsiderable quantity of stores, and these were left under these circumstances; they were brought to the point of attack, not as usual by horses, but, to save that expence, by water carriage, which took up a space of 10 or 12 days. Had they been brought by horses, 2 days would have been sufficient, and in that case they would have been taken safely away. The determination to leave them was not from necessity, but esteemed preferable in point of policy to the delay which must necessarily have been incurred, in order to carry them off. The British troops, he said, had gained much honour, and had been of great service, though Major Maitland had thought proper to regard them as disgraced and contemptible in their effect. This he knew not to be the opinion of the Prince of Cobourg, who had acknowledged the services of the British troops, and had delayed prosecuting the campaign till their arrival, and ever after they gave a very distinguished co-operation in the most brilliant successes of the campaign, and had in no instance sullied the military character of the country. Valenciennes, Quesnoy, Famars, and Lincelles, bore ample testimony to their discipline and valour. He then recapitulated some particulars of the siege of the first of these places, and explained a difference of opinion which took place between the Duke of York and the Engineers relative to storming the horn-work, in which His Royal Highness at first gave way to the cautious recommendation of the Engineers not to storm so soon as he wished, but declined withdrawing the troops from that post when it was taken, agreeable to a recommendation from the same persons, and in consequence of which a fortnight was saved in the siege. The retreat from Dunkirk was not only slow and orderly, but was also short and soon converted into offensive operations; they halted at Furnes; Menin was soon retaken, Nieuport saved, and the inhabitants of that part of Flanders relieved from their uneasiness and dismay. The retreat was therefore attended by no circumstance of disgrace, was neither precipitate, nor occasioned by error in the plan, or the superior skill or valour of inferior numbers. It would have been ridiculous to delay such a body 10 or 12 days for the paltry value of a few iron cannon. On this subject he appealed to the doctrine

advanced on a former night, that it was not proper for any Member to hold himſelf obliged to diſcloſe any thing of which he had private information, and the diſcloſure of which, was not at the deſire of the Houſe; but as what he was about to relate, was a matter of public notoriety, no inconvenience could enſue. In fact, then the whole number of cannon left was thirty-eight, and not one of theſe were braſs. Different reports, he knew, had been induſtriouſly circulated here, the number being ſtated at 100, and with circumſtances of preciſion which beſpoke authority; for inſtance, the reſpective places in which they were left were named, and in particular a certain number was ſaid to be left in the great mole, though it was not poſſible to place any one in that ſituation. The ſtores and ammunition left behind was alſo inconſiderable, not being more than ſufficient for the ſervice of one week, and by no means of a ſufficient value to counterbalance the evil of a farther delay on a point of policy and expedience. Before he concluded, he wiſhed to ſtate, in anſwer to a reflection which had been made concerning the evacuation of Toulon, that he came to England in the ſame packet with the officer who brought home the account of that event, and that he was informed by him, that not a ſingle inhabitant of Toulon was left behind who choſe to leave that town, and ſubmit himſelf to the protection of Lord Hood.

Mr. SARGENT could not avoid ſeizing this opportunity of vindicating the character of a noble Duke high in the Ordnance department, from the imputations which had been caſt upon him in the courſe of the debate, and inſinuations more unjuſt had never been made uſe of. For the ſatisfaction of the Houſe, he ſhould briefly ſtate what was the ſtate of the caſe, and the tranſactions which had been ſo much miſrepreſented. When the order came from his Royal Highneſs the Duke of York, for the military ſtores, his Grace was then commanding a large camp, but on the firſt intimation he haſtened up to town, and gave the neceſſary orders. This was on the 6th of Auguſt. It is uſual, when military ſtores are ſent abroad, to freight a veſſel belonging to the Office, but as the delay might be great, an application was on this occaſion made to the Navy Board. When gentlemen conſidered the extreme difficulty and trouble in the execution of this buſineſs, it will be found a matter of ſurpriſe that they ſhould have been got ready in ſo ſhort a ſpace of time, as to be fit for taking in ſtores on the 20th. They were ten in number, and were then ordered down from Woolwich (whither they had repaired) to Purfleet, to take in powder. They then ſailed for Oſtend on the 23d, and arrived there the 27th.

Eight of them could not get over the bar, but two did This was a ſtatement of facts, for the truth of which he muſt pledge himſelf, and from which he truſted it would appear that no delay whatever could poſſibly be imputable to his noble friend.

Mr. JEKYLL thanked his honourable friend for having in ſo ſpirited a manner brought forward this motion, and as long as this artificial war continued, (for he muſt contend that it deſerved that term,) he hoped that annually this motion might be renewed to inquire into the proceeding of the laſt campaign. He obſerved that the debate had taken a very curious, and in his opinion, a very improper turn: the gentlemen on the other ſide all ſpoke as if they had been put upon their defence. One defended his conduct at Toulon, another defended his conduct at Dunkirk, a third was bound by gratitude to defend the Maſter General of the Ordnance; but all this was entirely out of the queſtion. No man wiſhed to criminate the officers who had ſerved during the campaign, therefore ſuch defences were not called for: the attack was againſt Miniſters, and they were the only perſons that had a defence to make. It had been allowed that miſtakes might happen in all wars, and therefore that inquiry was often neceſſary; it was the refuſal of this in our preſent ſituation that proved the corrupt and bad ſtate of Parliament, and which he hoped to ſee much improved. The noble Lord had ſtated, that it was by accident that he had any command at Toulon, and that he left it with regret. He ſuppoſed that his regret aroſe from his having found himſelf ſo very comfortable in his ſituation there. His Lordſhip had thought proper to attack his honourable friend with the title of Political Major—that Houſe might have recollected to have ſeen him in his political capacity as a Captain, and they might now behold him in his Political Coloneley; he had acquired the hauteur of his rank, though he could not aſpire to the dignity of Veteran. Experience had taught him not to ſuffer the defences of men in that Houſe to take much effect with him, for as they went only to particular points, in which they may have been concerned, the public has no farther information than from the confined evidence of their declarations. It was a paltry way of getting rid of their declarations. It was a paltry way of getting rid of the queſtion, to heap up modes of defence in oppoſition to the manly manner of meeting the inquiry, and confronting, by authentic proofs, the grounds of accuſation.

Colonel MACLEOD obſerved the honourable gentleman had inſinuated, that the Duke of Richmond was not pledged to any particular time. This he denied; and referred to the ſtrong arguments

of his honourable friend (Major Maitland) that the succefs of an enterprize depended on the celerity of execution. The noble Duke muft have known the time, and muft have been tied to a day, and almoft to an hour. He then adverted to the fpeech of the honourable Baronet (Sir James Murray) for whom he profeffed the utmoft perfonal refpect, but could not help remarking that there was a ftriking refemblance, which every Member muft have perceived, between the fpeech and the difpatches of the honourable Baronet, both in point of length, obfcurity, and inconfiftency. In the firft place the honourable Baronet had ftated, that 100,000 men employed in a fiege, could do no more than 50,000. A fingular and an extraordinary pofition! When a great number of men are employed for covering, others for working, others for forming the trenches, a great number for working the batteries, &c. &c. &c. it muft be furely ftrange that all thefe operations can be performed better, and with more difpatch, with a fmall quantity of men than a larger.

Another novel argument was, that Bergues was a fortrefs of fo much importance as to be more effential even than the citadel of Dunkirk; and that confequently Dunkirk, if it had furrendered, could not be retained, unlefs we had gained poffeffion of this important place. This, however, was faid to require a three-weeks fiege, and yet no attack was made upon it. Why was not a detachment fent from the Prince of Saxe Cobourg's army to reinforce the Duke of York, if thefe places were of fuch importance? and why was not the fortrefs of Bergues the firft object of attack? He did not mean to addrefs himfelf to military men, but to men of common fenfe. He then made a general appeal to the Houfe, of what was their conception of the meaning of the expreffion that had been made ufe of by the honourable Baronet of "a pleafant defeat." He had heard of pleafant victories, and had feen both victories and defeats; but till now he had never underftood from hiftory, from officers or foldiers, that a defeat was pleafant, and therefore wifhed for fome proof to convince him. The next thing he defired to be informed of was, "the brilliant fuccefs of our arms." Was the honourable Baronet's inftance of the pleafant defeat to be claffed amongft the brilliances?—How did the Britifh foldiers diftinguifh themfelves at Valenciennes? He did not mean to difparage their exertions or their valour; he knew them to be good foldiers, but he knew alfo that they had not an opportunity to difplay their fuperiority. One action he could not but commend; in that they had an opportunity, and they ufed it. He meant the action under the command of General Lake, an able and accomplifhed officer, of ad-

mirable talents, to whom the praiſe and thanks of his country are due. General Lake was ſent to reinforce the Dutch, who, on his arrival at the place of appointment, had previouſly left it, and the place itſelf was found in poſſeſſion of a ſtronger force than he expected, and to which his detachment was not equal. What could he do?—To retreat was dangerous. With the promptitude and ability of an experienced Commander, he inſtantly decided to attack them, he did ſo, and repulſed them. He could not poſſibly conceive any reaſon why an inquiry ſhould not be made, ſince it was no more than proper that the people ſhould know both their good and bad ſucceſs. His honourable friend who had brought forward this motion, had formerly moved for the returns of the killed and wounded, and he was equally at a loſs to know why they ſhould be withheld. If it was in order to withhold from the enemy the knowledge of our loſſes, it was a fruitleſs precaution, as both at Dunkirk and Toulon they muſt be well informed already, and if the returns are withheld to delude the people of this country, he ſuſpected they would know too ſoon the extent of the calamity in which the war had involved them.

Sir JAMES MURRAY ſaid, a very ſhort explanation on his part would anſwer every objection Colonel Macleod had made, as he had miſtaken every aſſertion which he repeated. Generally ſpeaking, he knew full well that any given military force is better than half the quantity. What he ſaid was, that a ſufficient force to conduct a ſiege being admitted, no addition of number would accelerate the reduction of the fortreſs an hour. But Colonel Macleod, in his ſtatement, had ſuppoſed there was not a force already ſufficient. As to Bergues, he had ſaid the grand army could not have returned to the ſeat of their former operations, in time ſufficient to proſecute any farther ſiege, if they had advanced with the Duke of York's army to Dunkirk, which then muſt have been made a main object, and not as it really was, only a ſecondary, and ſubſervient to what were conceived the more important purpoſes of the campaign. The affair of Famars he had not mentioned as a retreat, and therefore could not explain what he never uttered.—The brilliant exploits of the Britiſh troops were to be looked for in thoſe brilliant actions in which they co-operated with the diſtinguiſhed effect he had mentioned, and in that of Lincelles, the only one, beſides Dunkirk, in which they had been ſingly engaged, and in the circumſtances of the late affair, which, though a retreat, did not detract from their former credit.

Mr. CANNING ſaid, that an honourable gentleman, who had juſt ſat down, made a diſtinction between a military man and a man

of common ſenſe. Now he was not a military man, and he had not common ſenſe enough to underſtand what had fallen from the honourable gentleman. He expreſſed his thanks to the honourable mover of the queſtion, becauſe it brought forward the only fair, manly, and comprehenſive attack upon Adminiſtration that had yet been done, and at the ſame time afforded them means of juſtification. As to inquiries he had heard ſome gentleman ſay that he wiſhed for ſuch inquiries annually; the way he explained this was, that he wiſhed for annual failures to produce annual inquiries. Two attacks had been made upon Miniſters very inconſiſtent in their nature—The one, that the objects of the war had never been defined—and the other, that Toulon had been evacuated after being taken poſſeſſion of under a defined and ſpecific treaty.—He alluded to the diſuſſion which had taken place on the treaty with the King of Sardinia, and contended, that if it was inſiſted on, that we were bound by Lord Hood's Proclamation not to make peace till Louis XVII. was ſeated on the throne, as well might we ſay that the guardian of an heireſs, who had her fortune in truſt, was pledged to marry her if ſhe could not find another huſband. The Toulonefe wiſhed for monarchy; we agreed to do what we could for them; we had ſaid by proclamation, if monarchy is eſtabliſhed we can make peace, but we never made it the *ſine qua non*, and ſaid, that until monarchy is reſtored, we never will make peace. Upon a review of the whole tranſactions of the war, he gave his warmeſt approbation to the conduct of Miniſters, and aſked what would have happened had thoſe on the oppoſite ſide been in power—We ſhould have been at peace and in alliance with France, and as we muſt have taken care of Poland, at war with Auſtria, Ruſſia, and Pruſſia, and in this ſtate of Europe we muſt have guaranteed the Netherlands to our allies the French. This, he thought, was the ſituation in which we would have been. The ſubſcriptions for the relief of Poland proved it, and we would have been plunged into a war by thoſe conſtitutional ſubſcribers for Poland, who would not ſubſcribe for the ſafety of their own country. The French would have been our beſt allies; we would have had no alien bill, no traitorous correſpondence bill. French emiſſaries would have been our beſt friends, and our coffers would have been filled with French aſſignats. He regretted that the only candid and manly attack this ſeſſion ſhould be delayed ſo long, and when brought forward, brought forward only to be refuted. Nothing had been brought forward to ſupport it except general and vague declamation upon the calamities and miſeries of war, which applied in every inſtance equally as in the preſent. He quoted a ſpeech from Shakeſpeare's play of Henry

the Fourth, which he applied to the honourable mover, who feemed to think

" That it was great pity, fo it was,
" That villainous faltpetre fhould be digged
" Out of the bowels of the harmlefs earth,
" Which many a good tall fellow had deftroyed
" So cowardly; and but for thefe vile guns
" He would have been a foldier."

He confeffed, however, that the latter part was mifapplied, and concluded with an animated defcription of the cruelty, barbarity, and atheifm of the French.

Sir WILLIAM YOUNG oppofed the motion, becaufe, in his opinion, there was no good grounds for inftituting the propofed inquiry. The war had been wifely conducted in every quarter; and it became the Houfe and the country to fupport Minifters in the meafures they had adopted for the enfuing campaign. He concluded with faying, that from the very able manner in which the noble Lord (Mulgrave) and Sir James Murray, had explained the whole of the campaign, every farther remark from him would be fuperfluous.

Mr. COURTENAY requefted the motion to be read, which being done, he faid his reafon for it was to judge how far it was applicable to the whining declamation of the honourable gentleman. He had woven together Toulon, Quefnoy, Conde, Maubeuge, Valenciennes, Oftend, &c. &c. in fuch a large and capacious web, and had embroidered it with fo many flowers, as to make it appear very fhowy and very captivating. But the plain truth was, that there was fuch a mixture of ftuff in it, it was fo flimfy, fo goffamer, fo cobweb, that it was the very worft production of the worft of our manufactures. He then adverted to the declaration of Mr. Canning, that "if the gentlemen of Oppofition had been in power, there would have been no war." He confeffed it, and fuppofed that the honourable gentleman had brought this forward as a charge of recrimination.. Of courfe the honourable gentleman then attached a merit to the war, which unveiled the hypocrify of its promoters, and ferved to hold it out, not as a war of defence, but a war of acquifition. The young ftatefman, like a new apprentice to his trade, had thus unwarily difclofed the fecrets of his mafter. Perhaps he was not enjoined to fecrecy, and without that injunction had imprudently, though zealoufly, betrayed the craft and myftery, In regard to the reft of his fpeech, he had endeavoured to catch the fpirit of it, but fo foon as it was poured out, it evaporated. He ftrove then to condenfe the thin floating vapours, and make them

palpable, but all his endeavours were in vain. The honourable gentleman had disclaimed his belonging to the military clafs, and to prove that he did not belong to the men of fenfe, he had made a very foolifh fpeech. He muft, therefore, be of the Epicene gender—fomething between a bird and a moufe. Mr. Courtenay then reviewed the arguments of the honourable Baronet (Sir James Murray) with refpect to the brilliancy of our arms at Valenciennes, Conde, and Quefnoy. The honourable Baronet ought furely to be apprifed by what means thefe places were taken. They were taken in confequence of the treachery of the French General Dumourier, without which none of them could have fallen into the hands of the combined armies. At that time too the Republican army was difforganized and difbanded. Every General, he obferved, like Fayette, if the principles of government were in his opinion unjuft, had a right himfelf to retire, but not to betray the truft which he had received. When Dumourier revolted, the Republican army confifted only of 17,000 men; what, he would afk, was their number now? He then took notice of the laboured defence of the plan of operations before Dunkirk, and obferved, that the prefent motion went not into the meafures of thofe who conducted, but of thofe who projected it. The plan was formed in the Britifh Cabinet, and the right honourable gentleman oppofite (Mr. Pitt) advifed it.—[A cry of No, No.]—Nay, he himfelf had avowed it during the courfe of the prefent feffion. [The cry continued]. Will the right honourable gentleman prefume to ftep forth and deny it. There may be fome error, though there is a ftrong belief in the country, in which cafe it will be both reafonable and polite to fet right the public opinion on the fubject. It was formed then in the Cabinet, and contrary to Prince Cobourg's opinion, and the opinion of other able officers. The right honourable gentleman probably wifhed to fhew himfelf as great a General as Nouvois! Probably he confidered, too, how fmuggling would be depreffed, and the fair fale of brandy promoted, by the taking of Dunkirk. The right honourable gentleman had, however, by this unlucky advice, been the caufe of all the fubfequent misfortunes of the campaign; for the Prince of Cobourg, who was at that time blocking up Maubeuge, was afterwards obliged to raife that fiege; and the reafon of this failure was the weakening of his army, by the detachment of between 30 and 40,000 men to march with the Duke of York to Dunkirk.

Mr. Courtenay then noticed the defence of a noble Duke (the Duke of Richmond) by an honourable gentleman, who had fo gratefully difcharged all obligations. But how was he defended? The honourable gentleman had faid, that the ftores were ready in time,

that application had, upon the firſt intimation, been made to the Navy Board, and that the tranſports had been fitted out, and the ſtores ſupplied without the ſmalleſt delay. But what does the Houſe do in ſuch a caſe? Refuſe inquiry! Something ought to be done even for the ſingularity of the thing. If, ſaid Mr. Courtenay, the right honourable gentleman will condeſcend in the preſent inſtance to give ſome explanation, he will ſtand much higher in my opinion than he has hitherto done, if that be of any conſequence; and although he ſtands very low indeed at preſent, to be raiſed higher will be—ſomething.

Mr. FRANCIS ſaid, that there was a very extraordinary paſſage in the ſpeech of an honourable gentleman oppoſite to him (Mr. Canning), in which he found himſelf particularly concerned, and was bound to reply to. That the honourable gentleman, without knowing who the parties or what the circumſtances of the tranſaction were, had thought fit to throw out a kind of ſneering reflection upon a ſubſcription, undertaken and recommended in the ſummer of 1791, for the relief of the oppreſſed people of Poland, in which he (Mr. Francis) had taken part. That the honourable gentleman ſeemed very much to want information on the ſubject. He did not know that the ſubſcription was opened in the heart of the city of London, that it was conducted at the Manſion-houſe, under the auſpices and patronage of the Lord Mayor, the Sheriffs, ſome of the Aldermen, and other principal perſons in the city. That the intention of the meaſure was virtuous and honourable, to aſſiſt a brave nation ſtruggling for their freedom againſt a barbarous deſpotic invader. That ſuch a purpoſe deſerved approbation; at leaſt, it ought to have eſcaped a cenſure ſo unprovoked and uncalled for; eſpecially from younger minds, freſh from the ſtudy of the claſſics, and ſuppoſed to be animated by the recent impreſſion of virtuous examples. He was ſorry to ſee ſo young a member deviate ſo widely [" Order, order!"] Mr. Francis ſaid, he meant no perſonal reflection, and therefore ſhould content himſelf with avowing the part he had taken in the buſineſs of the Poliſh ſubſcription; which was no way inconſiſtent with his reſolution not to concur in a private ſubſcription for a public ſervice in this kingdom. That individuals in England had no regular conſtitutional channel of communication with the people of Poland. What they gave, they muſt therefore give directly. In this country we had the medium of the Houſe of Commons, who alone had the right, and who alone ought to have the power to give and grant ſupplies to the Crown. In the firſt inſtance, the contribution intended was voluntary, benevolent, and

honourable; in the ſecond, he thought and had maintained, that it was unconſtitutional and illegal, as well as utterly unneceſſary.

Mr. CANNING explained: he ſaid he meant no reflection on thoſe who had ſubſcribed for Poland, but he could not help expreſſing his admiration of that ſenſibility of mind which ſo happily diſtinguiſhed between the contributions for Poland, and thoſe of his native country!

Mr. Alderman ANDERSON, feeling himſelf called upon, ſaid, that he was Chairman of the Committee who recommended a ſubſcription in favour of Poland, and at the ſame time one of the Sheriffs for Middleſex; that he ſtill conceived he had acted a laudable part on the occaſion; but though Mr. Francis and he then concurred in opinion on that ſubject, at this period, he believed, they widely differed; for the Alderman declared himſelf to be a ſtrenuous friend to the public meaſures now adopted by Government, and that he conſequently countenanced the contributions which had been condemned. He truſted he never ſhould be backward in drawing his purſe-ſtrings, when the emergencies of his own country required it.

Mr. ADDINGTON, jun. ſaid, the only inſtances in which we had been unſucceſsful were at Dunkirk and Toulon. He could not ſee the uſe of moving for an account of the ſtores left at either; becauſe, admitting the quantity to be great, it would furniſh no preſumption againſt Miniſters that they had not provided ample means for the operatious to be performed. He beſtowed high panegyrics on the Duke of York and Lord Hood, and hoped the war would be proſecuted till the ſecurity of this country, both internal and external, was fully aſcertained.

Mr. THOMPSON ſaid, the ſubſcriptions for Poland were to aid an oppreſſed people; and if the people of this country ſhould ever be oppreſſed, thoſe who promoted the Poliſh ſubſcription would be the foremoſt to ſubſcribe.

Mr. I. H. BROWNE ſaid, Parliament could have voted money for the Poles as well as for any other purpoſe, had it been thought proper; and therefore there was no reaſon for that ſubſcription, which did not apply more forcibly to the ſubſcriptions now propoſed by Miniſters.

Mr. FOX ſaid, that having heard no argument againſt the propoſed inquiry, he ſhould not attempt repeating the arguments in favour of it, which his honourable friend who had made the motion had ſtated more ably than he could do. The noble Lord (Mulgrave) admitted that the loſs of Toulon was a misfortune. This of itſelf was ground for inquiry, but had never been urged as ground for cenſure, unleſs inquiry ſhould ſhew that there had been miſcon-

duct. The noble Lord thought alſo that the misfortune might have been avoided if the aid expected from our allies had been furniſhed, or if the ſuccours ordered by Miniſters had arrived. This proved the neceſſity of inquiry, for it was material for the Houſe to know in what manner the plans of the Miniſters had been fruſtrated, whether by the fault of Miniſters, or of any other perſon. We have promiſed protection to the people of Toulon, and if, on the evacuation, we took away all thoſe who were deſirous of coming away, a circumſtance on which the numerous ſubſequent executions there tended to throw a conſiderable degree of doubt, we had the leſs to lament in our failure. But if our allies did not give us all the aſſiſtance they might have done for an object ſo important, it concerned the national honour to ſhew the world that we had not failed from our own fault, but from their backwardneſs. It was alſo matter of policy to know whether or not the Emperor, the ally on whom we muſt chiefly depend in future, had promiſed aid, which on another view of circumſtances he thought proper to withhold. With reſpect to the queſtion aſked by an honourable gentleman, what he and his friends would have done had their counſels been followed, he ſhould only obſerve, that the queriſt immediately anſwered himſelf, for he immediately added, that all their motions in that Houſe led to peace. It was highly honourable to the Duke of York, that in all the debates on the conduct of the war, no ſhadow of blame had fallen upon him; and that after raiſing of the ſiege of Dunkirk, Weſt Flanders had been recovered under his immediate orders. His admiration of the conduct and valour diſplayed at Lincelles, was not leſs enthuſiaſtic than thoſe who extolled them the moſt; not the more, but certainly not the leſs, becauſe he had the honour of numbering the gallant officer who commanded among his friends; but particular brilliant actions, in which ſmall bodies of men defeated forces much ſuperior in number, were rather proofs of miſmanagement than of ſkill on the part of thoſe who directed the general plan of the campaign. We were now told that the object of the war was Paris; and that in order to get thither, we muſt win our way town by town. He did not mean to queſtion the choice of the means if ſuch was the end. But a more melancholy proſpect could not well be preſented; and gentlemen who now believed that Paris muſt be taken before we could look for peace, would, he imagined, go home with leſs ſanguine hopes than they had hitherto entertained.

Mr. JENKINSON ſaid, he ſpoke only his individual opinion, when he ſaid that the Jacobin Faction muſt be deſtroyed in Paris.

Mr. Chancellor PITT.—At the preſent advanced period of the

debate, I muſt own I have very great doubts, whether I ought at all to treſpaſs upon the patience of the Houſe. I cannot, however, help riſing to expreſs my ſatisfaction, that my expectation has not been diſappointed with reſpect to the arguments brought forward in ſupport of the preſent motion; nor do I ſuppoſe that it will be diſappointed with reſpect to the deciſion of the Houſe. When the honourable gentleman (Major Maitland) gave notice in a previous converſation, of his intention to make this motion, he aſſerted, that no action in which the Britiſh arms or councils might be ſuppoſed to have a peculiar ſhare during the courſe of the campaign had been ſucceſsful. Upon that ground I profeſſed myſelf ready to meet him, whenever he ſhould chuſe to bring forward the diſcuſſion. I muſt confeſs, however, that I ſtill had ſome doubts, whether he had really any ſerious views to preſs that point much; and theſe doubts were ſuggeſted by the circumſtance of the delay in point of time, which had been allowed to take place in bringing forward this motion for inquiry. From the abilities of the honourable gentlemen on the other ſide, and the alacrity which they diſplay, whenever an opportunity is afforded them of attacking the conduct of Adminiſtration, I ſhould hardly have ſuppoſed that they required a preparation of no leſs than three months, if they had been in poſſeſſion of any obvious grounds upon which to found inquiry or ſuſpicion; Nay! I ſhould have conceived the grounds which are now urged not only to be not ſo obvious in themſelves, but even doubtful. There are only two purpoſes for which the preſent motion can with any propriety be brought forward; firſt, either to point out the errors of the laſt campaign, ſo as to afford a leſſon of ſalutary warning, and ſuggeſt the means of avoiding ſimilar miſtakes in future; or, ſecondly, to ſtate ſuch groſs neglect and miſconduct on the part of Miniſters, as to demand their removal from office, and the appointment of others better qualified for carrying on the war. If I am to give the honourable gentlemen any credit for their public zeal, I certainly cannot ſuppoſe, that if they had been of opinion that the preſent motion would have been ſerviceable for either of theſe two purpoſes, that they would have delayed it ſo long as to prevent it from being uſeful. When I heard the arguments of the honourable gentleman to ſupport his motion, I could not help taking notice, that he confined his animadverſions on the conduct of the campaign entirely to what had taken place in Europe, though what he profeſſed to attack was the conduct of the Britiſh arms, and in all our extenſive operations in Europe, we had almoſt in every inſtance been engaged along with other powers: but, of the effect of our operations in other parts of the globe, where Britiſh arms had been

exclusively employed, he said not a word. In this instance I cannot help admiring his prudence. The honourable gentleman was aware, no doubt, of our large acquisitions in the East Indies. He was aware of our having acquired that valuable fishery, which belonged to the French in Newfoundland. He was aware of our having recovered the Island of Tobago, which we had lost in a former unfortunate war. He was aware of all this, and his attention must have been called to valuable and important acquisitions in the West Indies, which though not yet secured, we had every prospect of making, both from the progress which had already been made in that quarter, and from the character of those who were entrusted with the care of that expedition. The honourable gentleman, however, with singular discretion, and with a due regard to the object which he had in view, confined himself to Europe, and to Europe alone. How far he had in this way succeeded in raising ground of suspicion of the conduct of Ministers, the House must decide. But, I must own, that I felt some encouragement, not only from this partial view, which it had been found necessary to take of the subject, in order to bring forward the present motion, but when I considered likewise the person from whom the motion came, and the phrases which were employed in introducing it to the House; when I heard the honourable gentleman talk of the war being unnecessary and impolitic in its commencement; when I heard him complain of its having been conducted by a system of treachery, and when I heard him, from the events of the past campaign, draw the most melancholy forebodings with respect to the future, I might indeed have been startled and dismayed, had I not recollected that the honourable gentleman was practised in this sort of eloquence. I was indeed somewhat comforted, when I called to memory that for two years the honourable gentleman had applied the same language, and the same arguments, to the first campaign of the war in India, which had in the next campaign been successfully concluded by the noble Marquis (Cornwallis,) whose conduct on that occasion had not less contributed to raise his own reputation than that of his country; and, who after having given the most signal testimonies of his courage and conduct in subduing the enemy, had procured advantages much more solid and lasting even than those of victory, by the good faith which he displayed towards his allies. I hope that the events in the present case will be as unsuitable to the predictions of the honourable gentleman, as they were in that former instance; and that the epithets with which he has stigmatized the war, will be found to be as ill-applied. Should the event of the present contest be even favourable in a much smaller proportion, than that of the war which we carried

on in India, I have no doubt that the honourable gentleman will be equally agreeably disappointed. Though the honourable Major confined his motion to the transactions at Dunkirk and Toulon, he endeavoured to prove that there appeared misconduct in the whole of the operations of the campaign. I do not indeed complain of widening the ground, in bringing forward a motion like the present. When a question has been brought forward, whether we should institute an inquiry into any particular measure, that would tend to interrupt and embarrass the functions of Government, and call for the production of information of their preparations, projects, &c. during a war? I have not hesitated to contend, that, to go into such an inquiry, would be, in general, extremely inconvenient. I have contended that, in order to establish ground for such an inquiry, it would not be sufficient to state one or two instances of failure, but that it would be necessary to bring forward presumptions of such gross neglect or misconduct, treachery or incapacity on the part of Ministers, as, if proved, would disqualify them for the situation which they held, and render them unfit to be trusted in future with the conduct of the war. It was not therefore sufficient to state that one siege had been raised, after several others had been successful, or that one town had been evacuated, after striking a great blow at the naval power of the enemy, in order to constitute proper ground for going into an inquiry. To this statement it might be answered, that raising a siege was a common accident of war, and that the evacuation of a town, though in itself matter of regret, had yet been attended with circumstances of considerable advantage. These were facts to which no man could possibly listen, as grounds for going into an inquiry. It therefore became necessary to state, for the purpose of the motion brought forward by the honourable gentleman, that on the general face of the campaign, there appeared to be misconduct. The fair state of the question then was, whether, taking in the whole review of the campaign, the result was such as to justify going into an inquiry? The point has already been so ably and powerfully argued by my honourable friend (Mr. Jenkinson) as renders it unnecessary for me to enter into the subject. I shall only take a short review of the proceedings of the campaign, with a view to the proposition maintained by the honourable gentleman, of the ill success of every operation in which the British troops have been peculiarly engaged. The honourable gentleman chuses to take up his view of the share which the British troops had in the campaign from the date of the congress at Antwerp. From some strange mistake of date, he supposes the Guards, under the command of his

Royal Highnefs the Duke of York, not to have arrived in Holland till the firft decifive advantages had been gained over the French by the Auftrian troops. This however was not the fact: to the feafonable arrival of thefe Guards may unequivocally be afcribed the falvation of Holland. The prefence of a Britifh Prince, and of a fmall but chofen band of Britifh troops, had the effect of infpiring the Auftrians, of giving vigour to their efforts, and of faving that country, which was united with us in the ftricteft bonds of alliance, and which it was of moft confequence that we fhould protect from the fury of the enemy. The congrefs at Antwerp, in which were concerted the future operations of the campaign, was followed by the acquifition of Conde, Valenciennes, Quefnoy, the affair at Famars, &c. At Dunkirk and Maubeuge, the efforts of the armies were unfuccefsful, fo that of five places which were attempted, three we gained, and at two we failed. But as both the Britifh and Auftrian councils were combined in concerting the plan of operations at the congrefs of Antwerp, both were entitled to a fhare of merit in thofe advantages which followed. In all thofe actions which had been attended with the moft diftinguifhed fuccefs, the Britifh troops had a great fhare. The Auftrians, in every inftance, affigned them the foremoft place, a circumftance equally honourable to themfelves, as it fhowed them, though piquing themfelves upon their character of being the firft military nation in Europe, to be free from all mean jealoufy, and invidious rivalry. It was honourable to the Britifh troops, as it proved that, though fighting along with a nation the moft renowned for their valour and difcipline, their exertions were fuch as could not be put to the blufh, and even qualified them to take a lead in the operations of the campaign. And however we may regret as a fact, the failure at Maubeuge, it ftill may ferve as an argument to account for the failure at Dunkirk, without the imputation of blame in any quarter, fince it fhews that the Auftrians, though much more numerous, under the command of an able and experienced General, failed in an enterprife much more important than the acquifition of Dunkirk, from the influence of fimilar accidents with thofe which occafioned the failure of the Britifh troops in that quarter. It now remains to determine, whether, taking in the whole circumftances of the campaign, the falvation of Holland, the recovery of the Netherlands, the acquifition of feveral important frontier towns, the refult has been victory or defeat, fuccefs or difappointment? I am ready indeed to admit, that the degree of fuccefs may not have perhaps been equal to our wifhes, or to thofe hopes which we had formed in the firft inftance. This was eafily ac-

counted for, from the extreme anxiety of the public mind with respect to the object in view, and the very great importance of the stake. It was indeed natural to wish for complete victory, where nothing short of complete victory could confer any degree of security, or be effectual to the attainment of our ends. Besides, our hopes had been raised to the highest pitch by the rapid and astonishing success, which had attended the commencement of the campaign; and the circumstances which afterwards occurred to retard the progress of our arms, must somewhat have damped those sanguine expectations which had led us to look forward to a continuance of the same success, though these circumstances were by no means such as ought to induce us to despair, or be allowed to blast our ultimate prospects of a favourable issue to our exertions. Having said so much on the general result of the campaign, I shall here remark, that the question has been taken up in another point by an honourable friend of mine (Mr. Canning) who, from the ability he has displayed on the only two occasions on which he has hitherto spoken in this place, has afforded the House ground for the most flattering anticipation of what they have to expect from his future exertions. My honourable friend has asked, what would have been the situation of the country, if the councils given by gentlemen on the other side had been adopted? That he admitted it might possibly have been peace, has been taken up by them as matter of exultation and triumph. They have asked, boastingly, what becomes of all your arguments that stated the present to be a war strictly defensive? But what was the sort of peace described by my honourable friend? A peace which at best would only afford a temporary and delusive repose; and at what price was this to be purchased? They must have been contented, in order to purchase this peace, to have passed by the attacks of the National Convention upon the independence and security of this country; they must have broken the faith of treaties; they must have sacrificed Holland, they must have given their sanction to the ambitious views of the French with respect to the Netherlands. I do not affirm that any gentleman on the other side ever said he would make peace on those terms. But what do they mean, when they contend that the war on the part of this country was unnecessary and unprovoked? Must they not admit that all these things were done by the French, and that while you were waiting to the last moment in order to see whether any of them would be recalled, did they not crown the whole by a declaration of war?

Having already spoken to the general state of the campaign, I will now shortly inquire, whether the particular failures stated by

the honourable gentleman, be of ſuch magnitude, and attended with ſuch circumſtances, as afford ground of ſuſpicion, and juſtify going into an inquiry. With reſpect to Dunkirk, I ſtated my opinion on a former day, that its acquiſition was certainly ſo far deſirable, if it could have been obtained without taking up too much time, or employing too great a proportion of force, ſo as to interfere with other objects of the campaign. It has been repeatedly ſtated by gentlemen on the other ſide, that this enterprize againſt Dunkirk was excluſively the meaſure of the Engliſh Cabinet. I have no heſitation in ſaying, that as Miniſters and Commanders muſt neceſſarily be combined in concerting military operations, as well as blended in the reſponſibility, the diſtinct ſhare which they may have in adviſing a particular meaſure, is a ſubject not fit to be diſcriminated or diſcuſſed. But if any gentleman ſays, that the expedition againſt Dunkirk was undertaken without the complete concurrence of the Royal perſon who had the command upon that occaſion, or the other Commanders, both as to the time and the mode of carrying it into execution, I muſt inform him that he is entirely miſtaken as to the fact. As to the two points which have been brought forward to account for the failure of that expedition, the delay of the ordnance neceſſary for carrying on the ſiege, and the want of a naval reinforcement, I have only to repeat what I ſtated on a former occaſion, that the failure was entirely owing to the circumſtance of the covering army, under the command of Marſhal Freytag, not being able to ſtand its ground againſt the immenſe force which, by the dint of the moſt extraordinary exertions, was aſſembled from all quarters by the enemy. As to the blame which has been attempted to be attached to the conduct of the Firſt Lord of the Admiralty, in not having ſent a naval force to co-operate in the purpoſes of the ſiege, I not only affirm that the failure was independent of the want of ſuch co-operation, but I deny that it could have been in the ſmalleſt degree uſeful; and for the truth of this, I appeal to the experience of every man who is at all acquainted with the nature of the ſervice. To the conduct of the Firſt Lord of the Admiralty, in particular, no blame can apply. All Miniſters are certainly equally reſponſible for the direction of His Majeſty's naval force, and I have no heſitation, in the preſent inſtance, to take that reſponſibility upon myſelf to the fulleſt extent. As to the delay in ſending the ordnance, not the ſmalleſt blame can apply to the noble Duke at the head of that department; the requiſition was not made till a very late period; every exertion was uſed by that noble perſon to get it in readineſs as ſoon as poſſible;

and after all, it appears to have arrived only two or three days later than the time for which it was demanded. The whole ground then that can be ftated, for going into an inquiry of the conduct of the fiege of Dunkirk, is the failure of that enterprife. Amidft a variety of expeditions, and an extended line of operations, failures neceffarily muft take place; fuch always has been the fortune of war, nor can one or two inftances of this fort, where there appears no prefumption of grofs mifcondect, no palpable ground of fufpicion, ever juftify a particular inquiry. We fhould then indeed have what has been recommended by an honourable gentleman (Mr. Jekyll,) annual inquiries into the conduct of every campaign. On the bufinefs of Toulon, it is only neceffary for me to fay a few words, as the fubject has already been fo amply explained by my two honourable friends (Lord Mulgrave and Sir James Murray.) The force collected in that place, within fo fhort a period, though unfortunately unequal to retain it, afford fufficient proof that there was no want of diligence and exertion. If it be confidered that we did not receive intelligence of the capture of that place till September, that a variety of expeditions were going forward, and the forces employed in different quarters; that the place itfelf was fo remote as not to be capable of receiving any fpeedy reinforcement, I am perfuaded it will appear no ordinary effort, that, previous to the evacuation, there were collected together for its defence not lefs than 17,000. My noble friend has ftated that meafures were taken by Minifters to have fent fuch an additional force there as would effectually have retained the place in our poffeffion: of the nature of this force, and the circumftances from which it failed, my noble friend ftated that it would not be proper for him to enter into any explanation; the fame reafons likewife induce me to be filent upon the occafion. Some part of the mifcarriage too, he ftated, might, perhaps, be imputable to the conduct of thofe who were bound to have co-operated with us. The honourable gentleman immediately feized hold of the circumftance, and afked, "Is not this a fit matter of inquiry?" I beg leave only to retort the queftion. Is it defirable that we fhould inftitute fuch inquiries, while engaged along with allies, of whofe affiftance we muft avail ourfelves in carrying on the war? Except, indeed, it could be fhewn, that fome very great public advantage would arife from inftituting the inquiry, the mifchief to be dreaded from provoking fuch a difcuffion is too obvious to require to be infifted on. There remains only one topic on which I think it neceffarily fhortly to remark. Though the honourable gentleman, in prefacing his motion, difclaimed all in-

tention of attacking the characters of the Officers concerned in conducting the several expeditions, he in the course of his speech departed from the principle which he had thus laid down. In censuring the conduct of the evacuation of Toulon, he evidently criminated the conduct of the Officers who commanded on that occasion. No part of the blame of the transaction could possibly attach to Ministers. Of this part of the honourable gentleman's speech, I will only remark, that it is an attack upon Officers engaged in the public service, and not present to defend themselves: and for this House to countenance such an attack, by going into an inquiry in the absence of these Officers, would, I conceive, favour both of impolicy and ingratitude. What too is the point upon which these Officers are attacked? Their conduct in the evacuation of Toulon, when they had to contend with so many difficulties, when such an alarm would naturally be excited among the inhabitants, as greatly to impede their operations. If, as I stated on a former occasion, it was recollected what would be the bustle and confusion attendant upon a common embarkation of half the number of men on the River Thames, some judgement might be formed of the arduous nature of that task which they had to execute; and when it was considered that the evacuation had been effected without the loss of even a single man, and with the destruction of a great proportion of the enemy's ships, so far from there being any ground of inquiry, the greatest credit must appear to be due to their exertions. As to those bloody scenes which have been stated to have taken place subsequent to the evacuation, the universality of those scenes all over France, though it cannot certainly diminish their horror, at least affords a presumption that they are not in this instance to be ascribed to any want of attention on the part of the British Officers towards the inhabitants. Certain the fact is, that none were left behind who were disposed to leave the place. Many, however, no doubt, might remain, from an opinion that their countrymen would not be disposed to carry so far that bloody and vindictive spirit which has characterised their late proceedings; or who, having felt themselves disaffected to the English while they remained, might suppose that they could urge that plea as a ground of indemnity to themselves, or even claim a degree of merit from the circumstance of opening to them their gates, or assisting to save the vessels from the flames. Many, no doubt, might remain from the influence of such motives, and might find themselves in the event fatally disappointed: but the delusion which had influenced these unhappy men, and the cruelty which had marked the conduct of their barbarous countrymen,

could not certainly, with any propriety, be brought as a ground upon which to juſtify a charge either of a breach of faith or a want of humanity on the part of the Britiſh Commanders. I therefore contend that there appears no foundation for the preſent motion, either from the events of the campaign, or from the conduct of the Officers; and that the time at which it is accompanied, and the topics on which it is urged, all furniſh the ſtrongeſt objections againſt going into the propoſed inquiry.

Mr. FOX ſaid he had never, by any ſpeech or motion, given room to ſuppoſe that he was more inclined to abandon our allies, or undervalue the Netherlands as a barrier for Holland, than His Majeſty's Miniſters. He had merely contended for the policy of trying to gain the points in diſpute by negociation, before we reſorted to war. The Miniſter had negotiated, and failed; and the only queſtion now was, whether the mode of negotiating adopted by the Miniſter was better or worſe than that which he himſelf had propoſed.

Major MAITLAND, in a very able reply, ſaid he wiſhed the motion to have been in abler hands, and particular buſineſs prevented him from making it ſooner. The operation of the war out of Europe had been ſtill worſe conducted. Was the attempt on Martinico forgotten? If he was wrong in ſtating the arrival of the Britiſh troops in Holland, Miniſters had miſled him. The ſame Gazette ſtated, that the Britiſh troops arrived there on the firſt of March, and that General Clairfayt paſſed the Roer, and defeated the French on the 28th of February. To this victory the Dutch themſelves attributed their ſalvation. A noble Lord (Mulgrave) had thought proper to charge him with attacking abſent officers, and to aſk how he would like to have his own military conduct attacked in his abſence by ſome political Major? Although his ſervices had not merited ſo high a military rank, he was as old in the profeſſion as the noble Lord. It was no part of his character to ſay that in the abſence of any man, which he would not ſay in his preſence; and he appealed to the Houſe whether he had not expreſsly declared, that he imputed no blame to any of the Officers employed on the ſervices which were the ſubject of his motion.

Mr. Chancellor PITT and Sir James Murray ſaid each a few words in explanation.

The Houſe divided,

Ayes, 35; Noes, 168.

The Houſe adjourned.

Friday, 11th April.

Mr. Chancellor PITT moved the order of the day on the bill to enable His Majesty to employ the subjects of France on the Continent of Europe, in the French West India islands, at Guernsey and Jersey, and other places; which being read, he moved, "That the bill be now read a second time."

Mr. BAKER objected to the motion. The principle of the bill itself he approved, because it was undoubtedly necessary to increase our force in the first instance; and, in the next place, it was better to employ those men, who might be considered as fighting their own cause, and fighting for the recovery of their property in their own country, than to suffer them to remain a dead weight on the country. Notwithstanding these opinions, he had decisive objections to the present bill, with which he thought it proper to trouble the House, even at that early stage of the business. His objections were these: He had heard it was intended to introduce a clause subjecting them to the discretion of Administration, liable to be treated as aliens, if they did not inlist. The hand-bills about the town offering levy-money, though he did not know from what authority they came, gave him a strong suspicion that such a measure was in contemplation of the Ministry, and if so, the measure merited the highest reprobation, as a measure of singular hardship and oppression, on the one hand of folly, of extravagance on the other, because he could not conceive any good reason why men should be induced to fight what was, in fact, their own battles, by the same temptations as natives of this country, who were not personally concerned in the quarrel. In the bill itself as it now stood, he also saw strong ground of objection. The bill for their future casual introduction into this country gave him great alarm, as the terms made use of were suspicious and alarming, viz. that they were to be landed for air and exercise. He contended, that the term *exercise*, when undefined, might include hostile operations, as training to arms was the proper exercise of soldiers, which included war and all its relative concerns. He wished to know what security we had that there should not be 60,000 of them landed, and all of them under military law? The bill also provided, that when such troops were to be landed, notice was to be given to Parliament if sitting, if not, as soon after as Parliament should meet. He, for one, did not think notice to Parliament, but the consent of Parliament, necessary upon such occasions; more particularly so, as Parliament might be a long time without meeting (last year seven months), all that time we might have foreign troops within the kingdom, without any notice

whatever taken of it. These were all objections upon which he said he should expect some explanation, at least before he could assent to farther progress in this measure. He did not mean absolutely to object to the bill under any modifications, because he admitted, if we were to carry on the war, an adequate force was to be provided; and at the same time he acknowledged, that perhaps it was fairer that the French should be engaged to fight what was, in fact, their own quarrel, than British, or, perhaps, the troops of any other country. He said, he conceived the right honourable gentleman opposite (Mr. Pitt) was bound to give some answer to these objections, as he had not condescended to assign any reasons for this measure when he first proposed it, nor at present, when he had moved the second reading of the bill.

Mr. Chancellor PITT said, that he rose principally on account of the last observation that had fallen from the honourable gentleman. He had been blamed for not having assigned his reasons for proposing this measure to the House; he had proposed deferring it to what he imagined the most regular time, on the question of commitment; but as he was thus called upon, he felt it incumbent on him to say something in reply to the honourable gentleman who had just sat down. In the whole course of his life, he had never heard so unparliamentary, and so illogical an argument against a bill in that stage of it, as the speech of the honourable gentleman. It would be unnecessary for him to state the principle upon which the bill was introduced, as the honourable gentleman had himself done it briefly in the two ideas, the necessity of augmenting our force, and the propriety of that force being French. With respect to the objections to the provisions of the bill, they would better apply to the discussions in the Committee, than to the second reading. As to the supposed clause about aliens, he knew of none such intended, since it would be perfectly useless, all that were the objects of this bill, being included in the Alien Bill already passed. With respect to levy-money, there was not one word about levy-money included in the bill, nor intended to be inserted, as he perfectly agreed, that it was not proper so to do; not but that it might be found necessary to give somewhat to particular individuals, whom it would be hard to prevent resorting to the place of rendezvous, for want of the means to carry them there; but this would more properly fall upon that fund, which in time of war was afforded to His Majesty by a vote of credit, at the end of the session, and which he should have to move for during the present session. With regard to the objections made to what actually was contained in the bill, the construction of any words could more properly be discussed, and, i

neceſſary, amended, in the Committee. The honourable gentleman, he obſerved, had commented on the meaning of the word exercise: without inquiring whether he was jeſting or ſerious in his remarks, whether he meant what he had ſaid to be conſidered as wit or as argument, it really appeared to him, rather as an exerciſe of his wit, than as a ſolid objection to the bill. And as to the landing of troops upon the coaſt, that could certainly never call for the neceſſity of aſſembling Parliament, under all the inconveniencies to themſelves, and interruption to the Executive Government. Having thus anſwered the objections made, he thanked the honourable gentleman for his approbation of the principle of the bill, which he hoped the Committee would make unexceptionable.

Mr. FOX ſaid, he thought it ſingular that the Houſe ſhould be called upon to give their votes for any ſuch novel meaſure, without having ſome ſubſtantial or ſolid reaſons previouſly aſſigned to induce them to adopt it. None ſuch had he heard; and he thought it rather indecent to require acquieſcence without it, or to expect gentlemen not to ſtate their objections. He ſuppoſed the right honourable gentleman, who juſt ſat down, had objects in view in the courſe of the preſent campaign very different from thoſe of the laſt, when no ſuch bill was thought neceſſary. Why then did he not ſtate his reaſons for not adopting ſuch a bill laſt year? There was no period of the war when we ſtood ſo much in need of aſſiſtance of that kind as at the beginning of the laſt campaign. Mr. Fox concluded with declaring that, for his own part, he would oppoſe the bill altogether.

Mr. JENKINSON contended, that the reaſons which made the adoption of the bill neceſſary now, did not exiſt laſt year, and therefore it was no argument to aſſert that as ſuch a bill had not been deemed neceſſary laſt year, it could not be neceſſary at preſent. We had reaſon to hope that we ſhould be able to penetrate the interior of France in the preſent campaign; and none could afford us more aſſiſtance in the accompliſhment of that object than Frenchmen.

General SMITH ſupported the bill, upon the ground, that theſe emigrants were the very beſt troops to be employed againſt France, becauſe they had a perſonal intereſt in the ſucceſs of the operations, and would be obliged to fight with the utmoſt deſperation, well knowing, that if taken priſoners, they had nothing leſs to expect than an ignominious death. There might undoubtedly, as the honourable gentleman who ſpoke laſt had ſtated, be many reaſons, why a meaſure might be proper and expedient this year, which in the laſt year might not be equally neceſſary.

Mr. LAMBTON agreed with his honourable friend in oppoſing

the bill, as it seemed to lead to a determination on the part of this country to establish the ancient despotism of France; a despotism which not even the people of that country would now submit to. The present times were lamentable. What were we doing? We were paying money to the Prince of Hesse Cassel, to the Sardinians, to the Hanoverians, and he had that day heard of an enormous subsidy we had agreed to pay the King of Prussia. Taking along with these, and independent of its unconstitutional tendency, the subsidising of Frenchmen, the subjects of this country would find it extremely difficult to pay the annual taxes necessary to defray the interest of the expenditure. Were these sums to be paid to British soldiers, they would still circulate in the country; whereas, by being sent abroad for the payment of foreigners, not a single shilling would ever find its way back again. He objected to the bill likewise on the ground of its being contrary to that constitutional jealousy which distinguished our forefathers, and made them even send away the Dutch guards of King William. If our ancestors acted so to the deliverer of this country, how much more incumbent was it on their posterity to be jealous of foreign troops, when such jealousy could not be liable to any charge of personal incivility or disrespect to their Sovereign?

The Honourable DUDLEY RYDER said, that he had waited some time expecting an argument, and he had heard but one or two which deserved an answer. One honourable gentleman had blamed Administration for not having taken this measure earlier. It might be said, that it was never too late to mend; and if the measure were good, it was proper to be adopted as soon as possible. As to the idea of establishing the ancient despotism in France, he could not conceive a weaker or a more groundless suggestion; the utmost that could be said was, that Great Britain wished to protect all those who opposed the present government of France. He conceived it to be much better for this country to have foreigners to fight its battles, than to send the people out of the country, and incur the regret of losing so many of our fellow-subjects. As to any danger arising to the Constitution from foreign troops, he conceived there was none probable: and when he looked back at the conduct of our ancestors, he reflected with regret on the inhuman and brutal treatment which the friend and deliverer of this country had met with, instead of the confidence and cordial support to which he had been so eminently entitled.

Mr. SHERIDAN declared, he never had heard so extraordinary a bill defended in so extraordinary a manner; it was even treated with a kind of civility, as if it had a claim to respect. The ho-

nourable gentleman over against him seemed surprised at the objections of his honourable friend, and indeed that any objections at all should be made against it; just as if it was a matter of course, and perfectly conformable to law, to take into the service of this country an immense body of Roman Catholics, foreigners, and men who had taken no test whatever. This was a decided declaration of change of system. An honourable gentleman (Mr. Jenkinson) had partly communicated this new plan of the operations of the campaign, which was to get into the interior of France. That plan should have been adopted last year; instead of which, a narrow and miserable system had been pursued, that of attacking little, paltry, and insignificant places. What new circumstance, he desired to ask, had occurred this year to make such a plan necessary? Was it the circumstance of our having broken our faith with the people of Toulon? Was it the circumstance of our having deceived the unfortunate Royalists of La Vendee? After every means of making an impression in France seemed to have vanished, a new light broke in upon us, and we were to adopt a measure, which there was not a single circumstance at present to justify, although there had been some last year. His objection to the measure was a fundamental one, and went to the whole bill at once, as unnecessary and unconstitutional. The reason given by an honourable General for his approbation of the bill, was one of the reasons why he objected to it; as he conceived nothing more cruel, or more devoid of feeling and humanity, than driving unfortunate persons into the field, with a certainty of destruction, either of falling in battle, or the more dreadful alternative of being taken prisoners and hanged. If these Frenchmen in our armies should be so treated, on being taken in battle, were we to revenge their fate, and retaliate on the French prisoners in our possession? [" *Yes*," exclaimed Mr. Burke.] Good heaven! replied Mr. Sheridan—consider that the lives of millions may depend upon that single word—That you will introduce a system of human sacrifice, all over Europe, by such a measure—that you send these poor unfortunate beings into the field with halters around their necks, as part of their accoutrements. Nothing, he was persuaded, but the warmth which the honourable gentleman felt on ministerial questions, could have led him into an expression which might be the herald of cool massacre to many of our own troops. He hoped that the House would never place the armies of Great Britain in so deplorable a situation;, that it would turn with horror from a system of barbarous and execrable warfare hitherto unknown in the history of civilized Europe. This was the first time in which it had been acknowledged, from ministerial authority,

that France had "subjects;" and we might be assured, that the present Government of that country would treat those subjects as rebels whenever they found them fighting in the pay of Great Britain. The paltry saving which it was said would accrue from the officers of those corps not having half-pay after the war, should the object of it be unsuccessful, he could consider as no other than a delusion. The same had been said a few years since of the Royalist corps in America; but, at the conclusion of the war, these officers, driven from their homes, remained a heavy incumbrance on the gratitude of this country. Did any man pay his country so bad a compliment as to suppose, that the feelings and spirit of a British Parliament would consent to send those unfortunate gentlemen into the field under such cruel circumstances as he had described, and after they had bled in our service, turn them adrift, to linger out their lives in melancholy meditations upon British benevolence? In a constitutional point of view, he held the bill to be a most dangerous one. Martial law, to which the men were to be subjected, was to be left entirely to His Majesty, without any limitation whatever. It might be made a law, that, in case of disobedience to *any order*, they should be punished with death; and it was not impossible that the King might be persuaded by his advisers to employ that army in overthrowing the free constitution of this country. It was, besides, natural to conclude, that a body of men, smarting under the lash, and detesting even the name of liberty, might be inclined to do any thing that might bring about that despotism which was so dear to them; on that ground, therefore, placing them under the power of the Crown left little security for the liberties of Englishmen. Mr. Sheridan said, he did not expect to find the observations of his honourable friend (Mr. Baker) on the subject of troops being brought into this country for exercise, treated in so jocular a manner. He had no objection to the right honourable gentleman growing more and more facetious every day; but he wished him to confine his wit to suitable occasions. The right honourable gentleman's idea of exercise could mean nothing else than military array. It had been said that there could be no danger from these troops, because they were not to come beyond a certain distance from the coast; such an assertion was treating them like school-boys; for in what other light did that part of the bill consider the foreign troops, who were not to go out beyond their *bounds*, and if they did, our messengers were to go to them with the bill in their hands, and say, "You are a naughty army; do not attempt to stir an inch beyond the limits assigned you; get back again to your proper ground." Such was to be the language which a bit of

paper (a ſcare-crow carried in the hands of our meſſengers, or ſtuck on a finger-poſt) was to uſe to an army of forty or 50,000 men, embodied in Kent or Suſſex, and under the abſolute command of His Majeſty. To many it might ſeem of no trifling conſequence to have ſuch a body of French Roman Catholics, without teſt or regular allegiance, at the diſpoſal of the Executive Government; to him their opinions, in reſpect to religion, were, he owned, of no very great importance. Let it be recollected, however, that if, in this age of liberality and religious tolerance, it was not deemed unſafe to entertain in the kingdom an army of poſſibly 30,000 Roman Catholic foreigners, what an inſult did we offer to the Roman Catholics of England, in continuing thoſe oppreſſive and degrading reſtrictions, notwithſtanding which they eminently diſtinguiſhed their loyalty, and manifeſted the moſt dutiful ſpirit of allegiance! If this bill ſhould paſs, he ſhould think it his duty to bring, without loſs of time, the ſituation of that meritorious claſs of ſubjects, the Engliſh Roman Catholics, as well as all the other Diſſenters, under the review of Parliament, of which he was deſirous that what he then ſaid ſhould be conſidered a ſufficient notice; and the object of his motion would be, that all teſts, on account of religious opinions, ſhould be aboliſhed. He knew, that in making propoſitions of that kind, it was in general thought neceſſary to have ſome previous conſultation with His Majeſty's Miniſters, and ſome underſtanding with the people themſelves. However, he ſhould proceed without conſulting either of them, relying on the propriety and manifeſt injuſtice of the meaſure. Mr. Sheridan concluded with ſaying, that he ſhould oppoſe the ſecond reading; in which, if he was unſuccesſful, he ſhould propoſe ſome emendatory clauſes in the Committee.

Mr. BURKE profeſſed himſelf ſorry for the reſentment which his having uttered the monoſyllable "Yes," had occaſioned in the mind of the honourable gentleman who had juſt ſat down; he hoped however, that the monoſyllable that gave the honourable gentleman offence, contained little or nothing of the deleterious poiſon imputed to it. With regard to paſſion, he was too old to entertain any upon the ſubject of France. It had for a conſiderable time occupied much of his ſerious deliberation; and whatever he thought or felt upon it, was not a momentary impulſe, but the reſult of calm, ſettled, and well-conſidered judgement. This paſſion, if he felt any, might fairly be conſtrued into *malice prepenſe*; and if he killed a man, under its influence, he was ready to admit, that he ſhould be guilty of murder. The ſmile or laugh alluded to by Mr. Lambton, when he talked of the former deſpotiſm of France, Mr. Burke declared, he could ſeriouſly aſſure that honourable gen-

tleman, was not a smile of levity, but a smile of bitterness and sorrow, arising from a conviction that France must pass through many severe trials, must swallow many a bitter pill, before she could be restored to that happy despotism under which he once saw her flourish. That mild, temperate, chastised government which they experienced under the monarchy, he was afraid, would be very long before it would return, if indeed it were probable that it should ever return again. If he were indeed passionate, if he were inflamed by inveterate antipathy and national animosity against that unhappy country, he could wish them no greater misery, than a lasting continuance of that under which they at present laboured. The condition of France at this moment was so frightful and horrible, that if a painter wished to pourtray a description of hell, he could not find so terrible a model, or a subject so pregnant with horror, and fit for his purpose. Milton, with all that genius which enabled him to excel in descriptions of this nature, would have been ashamed to have presented to his readers, such a hell as France now was, or such a devil as a modern Jacobin; he would have thought his design revolting to the most unlimited imagination, and his colouring overcharged beyond all allowance for the licence even of poetical painting. The assertion that this was a war of freedom against despotism, was equally fallacious and false. It was a war of perfidious rebellion against honourable loyalty, of infidelity against religion, of robbery against property, of murder against humanity, of barbarity against social order. He wished, if possible, to rescue the deluded people of that country from their infatuated freedom, a rescue, in the earnest desire of which every well-disposed person remaining in France must devoutly join. We talked here of the liberties of the Fleet, the liberty of the King's Bench, &c. from which the French also seemed to have taken all their ideas of freedom; for the liberty of France at this moment centered in a *jail*. There was not an inhabitant who was certain of one moment in which he should not be removed from his own house to one of those dens of freedom; and how happy must they find themselves in a general jail delivery! He observed, that an honourable gentleman had asked, Whether it was the intention of his Majesty's Ministers to re-establish the old despotism of France, by sending French troops into that country—What were the objects of the emigrants who would enter into our service? To liberate their wives and their children, to be restored to their properties, to get possession of their vineyards, their olive-trees; and their fig-trees. This was the horrible old despotism of France. Despotism and liberty, as the honourable gentleman made use of these names, were mere words. In the speeches of many

gentlemen for some time past, the words *liberty* and *despotism* formed a very considerable ingredient; so much so, indeed, that it reminded him of a lawyer, who, in a very laboured harangue, was twirling a string from side to side with a great degree of violence. Some person having found a convenient opportunity, conveyed away the string, whereupon his eloquence failed him, and it was remarked upon the occasion, that "they had cut short the *thread* of his discourse." Thus it was with those gentlemen; take away the words Freedom and Despotism, and they could not get on a step farther. With them, if a man wished to preserve his wife and children from the guillotine, and retire into the bosom of his family—it was despotism. If a man was desirous to recover those estates transmitted to him by a long line of ancestors—it was despotism. If a husbandman wished to repose in his own farm, under his fig-tree, his olive, or his vine—that was despotism. If a farmer chose to keep *five* bushels of corn for the use of himself and his family—that also was despotism. In short, every thing was despotism which did not partake of that hideous system which was now the basis of what was termed the liberties of France. It was not for any particular system of Government that he contended, but for some Government. Let it be a pure monarchy, a democracy, or an aristocracy, or all mixed, he cared not, provided a Government did exist, the first principle of which must necessarily be security to property, because for the protection of property all Governments were instituted. First, therefore, restore property, and afterwards let that property find a Government for itself. The number of its inhabitants constituted the strength of a nation, but it was property alone on which Government was formed. If the formation of Government was committed to the no-property people, the first thing they would do, obviously would be to pluder those who had property; and the next thing would be to plunder and massacre each other. After all, if it were asked, Did he prefer property to virtue? His answer would be, No. To honour?—No. To morals?—No. To arts and literature?—No. But he respected property, in as much as it was the basis on which they were all erected—the soul that animated, and the genius that protected them all. In France were the poor better treated than the rich? Were they not forced to rise *en masse*? To account for every bushel of corn in their possession? The shopkeeper was put in requisition to make shoes for the armies. No labourer knew whether he should enjoy for a day his earnings, or even his liberty or his life. The original fault in the proceedings of the French Revolution was, that property was not permitted to have a vote. Every effort had been made to exclude it from legislation.

Reverting to the precise question in debate; Mr. Burke thanked the Minister cordially for the wisdom and justice of the measure, and made an appeal to Mr. Lambton, and other gentlemen, on the situation in which they, and men of great property like themselves, must be placed, should the system of Jacobinism ever take place in this country; and that it would take place, there was real ground for apprehension, unless all those who had a stake to risk of their own, as well as a general regard for the interests of the British empire, took some pains by their influence to preserve order, enforce due subordination, and maintain quiet and tranquillity, by convincing the people that their true happiness consisted in a continuance of that constitution, and that government, under which they daily experienced so many inestimable blessings. Without wishing to be a prophet, he had no difficulty in declaring, that, *If French property was not restored, property in England would not have ten years purchase.* He was sorry to find the honourable gentleman (Mr. Sheridan) determined to oppose this bill. He admired and feared that gentleman's talents, and he regretted that he should meet with opposition from him.

Mr. LAMBTON explained, justifying his apprehensions from late measures, that Ministers would endeavour to restore the old despotism of France.

Mr. FRANCIS said that, on this occasion, he had listened to the speech of his right honourable friend (Mr. Burke) as he had formerly on many others, with equal pleasure and instruction. That in general he concurred in almost all the opinions he had now expressed, and particularly in every thing he had said of the effects of property on the relations, duties, improvements, and securities of cultivated life, and civilized society. It is not possible, in my mind, for any man to think more deeply, or to express his thoughts more happily than my right honourable friend has done on this subject. On two points only I differ from him a little, in which I think the application of his opinions to the actual condition of the French is not conformable to the state of facts. In the first place, it is not fair in argument to conclude, from any premise he has stated, that the convulsions and calamities produced by the Revolution in France, are likely to be permanent, or that this violent state of things can continue very long. Either the violence of such extreme disorders must cure them soon, or the nation must perish by its own hands. But, when we compare the anarchy that prevails now, with the despotism that went before it, let us always remember that the first has lasted but two or three years, whereas the second had endured for ten or twelve centuries. Mankind cannot exist in

a perpetual convulsion. The French must either settle soon into a tolerable Government, or they must relapse into slavery.—The other point on which I disagree with my right honourable friend, is, the actual unhappiness and misery which he supposes the French in general to suffer from the monstrous abuses in their present Government. I do not believe that this is the fact. Setting aside the immediate objects and victims of their cruelty, I very much doubt whether the French in general are such sufferers as he conceives them to be. There is a great equality in the situation of individuals. No man enjoys or endures more than his neighbour. In all general suffering or distress, it is a great alleviation to see that no man is exempt from it. Neither, in fact, do they feel or suffer as they would do in cold blood, or as if they were in a state of repose. They are eager in a pursuit, and disregard the fatigue of it. They are in the heat of a battle, and do not feel the wounds they receive in it.

Another question has been started in the course of this debate, on which I very much differ from an honourable gentleman who spoke lately (Mr. Ryder), I mean the propriety of refusing to gratify King William, on the subject of his Dutch guards. This refusal the honourable gentleman has thought proper to call indecent, ungrateful, and brutal. It is no business or duty of mine, Sir, to find fault with such language, as long as you not think fit to take notice of it; otherwise I should have thought it highly irregular and disorderly for a Member of the House of Commons to qualify a solemn deliberate act, or any act of this House, with such opprobrious epithets. But, setting aside the point of order, does the measure in question deserve to be so reprobated? In my opinion, directly the reverse. If I had lived at that time, and been a Member of that House of Commons, I should certainly have concurred in the vote and joined in the address on that occasion. Not that I should have thought the Dutch guards, in point of numbers, an object of jealousy or concern; not that I should have distrusted King William, or thought it likely that he either would or could have made a dangerous use of so inconsiderable a body of foreign troops, if his request had been complied with. But, as a trustee for the nation, I should not have thought myself at liberty to compliment the King at the expence of a strict duty to the country, and possibly at the future hazard of the Constitution. Least of all would I have suffered a precedent to be established in the person, and under the government, of a good King, which might grow to be formidable in other hands, and which might possibly be turned to the most dangerous purposes by those who succeeded him. It is

in good times particularly, and under virtuous Princes, that men ought to be moſt jealous of innovations introduced into their Government, becauſe, in thoſe circumſtances, it is moſt likely that irregular acts will be little regarded, or readily ſubmitted to, which afterwards become precedents, and are appealed to as the example and practice of good times. But, in thoſe days, I think I ſhould have gone farther. I think I ſhould have aſked King William, what occaſion had he for any Dutch guards at all? If he was an Engliſh King on true Engliſh principles, he ought to have confided in the people of England, and ought not to have looked for any other defence or ſecurity, but that which he derived from the attachment and affection of the people. If that would not have ſatisfied him, the Parliament ſhould have ſent him back to Holland. He might be a good Stadtholder for the Dutch, but he never could be a good King for the Engliſh.

On the general riſk of admitting foreign troops into the country, I preſume, it is hardly neceſſary to enlarge. He who would truſt the Crown with the right to introduce, and the power to command, a foreign army in the heart of England, might as well ſave himſelf the additional expence of that mode of coercion, and ſubmit at once, and in every thing, to the will of the Executive Power. But of all foreign troops which any State can employ, the moſt dangerous would be an army of emigrants; I mean, of ſuch emigrants as have a hope or a proſpect of returning to their own country, and recovering their eſtabliſhment there. A foreign force of that ſort is doubly dangerous; if they are faithful, they may oppreſs;—if they are treacherous, they may betray us. A baniſhed man, who looks back to his country, and ſolicits your aſſiſtance to enable him to return to it, is ſeldom to be believed, and never to be truſted. But independent of the principle of the preſent bill, the proviſions of it are certainly the moſt abſurd and dangerous that can be imagined. Theſe *ſubjects of France*, it ſeems, in the firſt place, may ſerve *in any part of the Continent of Europe*. To that I ſay nothing. They can do us little miſchief on the Continent, except by deſertion But then they may ſerve *in the iſlands of Guernſey, Jerſey, Alderney, and Sark; or in any of the Iſlands, part of the dominions of his late Moſt Chriſtian Majeſty in the Weſt Indies;* that is, they are appointed and allotted to act in the very places, where, of all others, it is moſt imminently hazardous to employ ſuch troops. I cannot conſent to truſt them with the defence of Guernſey or Jerſey. They will be too near France for one purpoſe, and too near England for another. I will not truſt them in any of the French Weſt-India Iſlands, which we may happen

to get possession of. If they must be employed at all in the West Indies, if I am forced to an option, I would rather let them be stationed in our own islands; in Jamaica, for example, much rather than in Martinico. I would not let them come in contact with their own countrymen. I would not put them in the way of temptation; nor give them an opportunity of communicating, in the same native language, with persons of the same original habits, inclinations, and interests, with whom they may compound, or by whom they may be seduced. They are Frenchmen still; and as long as they have a spark of French honour in their minds, or a drop of French blood in their veins, they cannot wish to promote the conquest, or endure to see the utter downfall of France. But no,—they expect to be restored to it. In what condition are they to find it?—Under what power are they to live?—They cannot bear to submit to the present French Government. Yet, it seems, they are to be contented and happy in seeing their country over-run and wasted, their estates and houses occupied, by armies of Austrians, Prussians, Hungarians, Pandours, Hulans, and banditti of every German denomination. The alternative, I confess, is either way deplorable. Still, however, there is a material difference in the two cases. While the present system prevails, the emigrants are dispossessed of their rights and their property. But if France be conquered, especially by these despots, they will then lose not only the possession, but the inheritance for ever.

These are the absurdities:—now let us look to a much more important object, the danger of this measure to the liberty of England. The bill provides, that, *if it shall be deemed necessary or expedient*, viz. by the Executive Power, *to land such troops in any part of Great Britain, for health or exercise, it shall be lawful so to do.* So that now, at the close of the eighteenth century, in not more than a hundred years after the Revolution, the King may introduce an army of French Roman Catholics to an unlimited amount, by law, into the heart of England, and no man is startled at such a proposition! But then there are guards and securities to be given us against any possible abuse of this extravagant trust. First,—These troops are not to march beyond a limited distance from the sea-coast. They may be brought *to any port or place in Great Britain*, but, as long as they stay there, or only march a few miles into the country for health or exercise, there is no danger! Suppose they chuse to march farther;—suppose, for example, that Sussex or Hampshire should not agree with them, and that change of air should be prescribed by their physicians. They remove into Surry for the benefit of the air! What shall prevent their coming up to

London?—Sir, I put nothing but a possible case, when I state that, by this law, there may be an army of thirty or forty thousand French Roman Catholics, or of others, under that title, in the heart of England, at the disposal of the Crown. But there is a second security, graciously granted in the bill, which obviates every danger, and answers every objection. It is *provided also that notice of landing such troops shall, within* so many *days after such landing, be given to both Houses of Parliament, if Parliament shall be then assembled, and if not, then within* so many *days after the next meeting of Parliament.* In the first place, Parliament, if not assembled, may know nothing of the matter, till many months after the landing. But what signifies the communication to Parliament, unless it can be shewn that, by a naked vote or address, we can at any time stop the approach of such an army to the capital, or oblige them to quit the kingdom? Do you think that your resolutions will avail any thing against an armed force of French Roman Catholics, when once you have permitted them to enter the country? If ever the case happens, I have no doubt about the consequence. In that unhappy hour, you will find that forms will not save you. Such a power, employed as it may be, will soon make the House of Commons, the House of Lords, and the King himself, useless.

Mr. GREY condemned the sudden and unprepared manner in which the present important measure was brought forward, and thought it highly dangerous to the Constitution; he paid many compliments to Mr. Burke, whose talents and eloquence had not, he said, a more sincere admirer than himself, and from many of whose opinions he thought it impossible for any one to dissent. Of the present state of France he had expressly declared his opinion already, namely, that he would rather live under the power of Nero or Caligula than there; but, in acknowledging the horrors and devastation of that country, he was bound also to inquire into their cause, which he believed to consist in the ancient despotism of that kingdom, and the combination of the allied powers. The restoration of the old despotism of France would, in his opinion, be the greatest curse that could happen to Europe, for it would produce, in some time, that confusion and distraction that now desolated that unfortunate nation. All despotisms contained, in his opinion, the seeds of their own destruction. It was to the malignity and tyranny of the old despotism, added to the efforts of the confederate powers, that all the present misfortunes of France were to be imputed. With regard to the effect which the example of France might have upon this country, it depended entirely upon our own conduct. If we refused to adopt moderate measure for the relief of the people,

we might urge them to rebellion. In giving his oppofition to this bill, as a meafure of great danger and impolicy, Mr. Grey faid, he entertained doubts of its fuccefs; and declared that fuch was the overbearing influence of the prefent fyftem, that he was inclined to relinquifh all farther efforts, and retire from public life, where the only effect of his exertion was perfonal odium and difapprobation.

Mr. Chancellor PITT faid a few words in explanation.

Serjeant WATSON defended the motion, on the ground of its having an obvious tendency to meafures highly politic and effective, and he owned he was not a little aftonifhed at the principles advanced by the honourable gentleman (Mr. Baker) who firft rofe to oppofe it.

The queftion was then put, when the Houfe divided,

For the motion 105; Againft it 30—Majority 75.

The SOLICITOR GENERAL faid, he rofe to move for leave to bring in a bill "to render more effectual the provifions of the act which paffed laft year for the fecurity of French property." The principal amendments in the regulation, Sir John faid, would confift in providing for the fafety of this property in cafes of failures and bankruptcy in thofe poffeffed of it, and in enabling every perfon whatever that holds it, to pay it into the Bank of England, there to remain till a legal claim is made out at the conclufion of the war.

Mr. JEKYLL faid, he wifhed to know whether it was meant, by the bill moved for, to compel the payment of this property into the Bank, and likewife what was the nature of the fecurity meant to be provided in cafes of failure?

The SOLICITOR GENERAL faid, that it was not intended to compel the payment; and that the fecurity propofed was a folemn declaration, under certain penalties, to be made to the Commiffioners of Bankruptcy, concerning all property in poffeffion, belonging to individuals in France; but, at the fame time, this declaration was fo to be made, as not in the leaft to endanger any difclofure or perfonal hazard to thofe who might be entitled to fuch property. He concluded with moving, "That leave be given to bring in a bill for the more effectual fecurity of money and effects in the hands of His Majefty's fubjects, and belonging to, or being difpofable by, any perfon in France; and to preferve the fame for the benefit of the individual owners thereof."

The motion was carried, and the bill brought in and read a firft time, and ordered to be read a fecond time on Monday the 14th.

The Houfe adjourned.

List of the Minority on the Motion for going into a Committee on the Bill to enable Subjects of France to enlist in His Majesty's Service, &c.

Aubrey, Sir John
Burham
Burch, J. R.
Courtenay, John
Crefpigny, T. C.
Fitzpatrick, General
Fox, Right Hon. Charles James
Grey, Charles
Harrifon, John
Howard, Henry
Huffey, William
Lambton, H.
M'Leod, Colonel
Martin, James
Milner, Sir W.
North, Dudley
Philips, J. G.
Plumer, Wm.
Ridley, Sir M. W.
Ruffell, Lord William
Sheridan, R. B.
Smith, William
Speed, Henry
Spencer, Lord Robert
Tarleton, Colonel
Taylor, M. A.
Vyner, R.
Winnington, E.

Tellers.

Maitland, Major. Whitbread, Samuel

Monday, 14th April.

The Houfe was informed by a meffage from the Lords, their Lordfhips had agreed to feveral bills; and that they will proceed farther in the trial of Mr. Haftings on Wednefday next.

Mr. MAINWARING moved, "That leave be given to bring in a bill to enable His Majefty to licence, as a play-houfe during the fummer feafon, the theatre called the Royalty Theatre."

Mr. SHERIDAN obferved, that this application was only a renewal of what had been made a few years ago, which the Houfe then, on full confideration, thought proper to reject. A number of perfons on that occafion had thought proper without any direct authority, to open a theatre near Wellclofe-fquare, affecting to do fo under the power of Lord Cornwallis, a Conftable of the Tower, when in fact they neither had, nor could have, any fuch authority. They were admonifhed upon the fubject, and told they could not proceed under the authority of any law. The proprietors of the winter theatres knowing that if this was fuffered, their property might be materially injured by fimilar conduct in other places, took meafures which the law gave to ftop this proceeding; they were refifted by the gentlemen of this theatre until the expence of the profecution amounted to 2800l. Now he wifhed to fubmit to the Houfe, whether any reafon was given for allowing this attack on the property of the winter theatres to be renewed; he confeffed he faw none that could bear upon the fubject fairly, unlefs the Houfe were prepared to fay that the monopoly of the patents fhould exift no

longer, and that the theatres, like any other property where there was no patent to protect it, should be left to the rivalship of individuals. Perhaps some gentlemen might be disposed to treat with levity a subject of this nature, as matter of mere amusement; but it might not be amiss to observe by the way, 100,000l. were given for the patent of one of the winter theatres, and that 100,000l. more had been laid out in fitting it up for the entertainment of the public; and then perhaps the question of property might deserve a little more serious consideration. He then gave a short account of the proceedings of the gentlemen concerned in the establishment of the Royalty Theatre, in the course they took in resisting the known law. The claim of the present petitioners was rested on somewhat of an extraordinary foundation, because they had, contrary to express laws, built a theatre, which was shut up by the judgement of a Court of Law, they now come to Parliament for a bill to legalise their act: It would be somewhat extraordinary if there was a law which said that there should be but two canals in the kingdom, and certain persons should, in the face of this law, cut a third, and then come to Parliament for an act to make their conduct legal. He thought that it would be a very great hardship, after the Proprietors of the Theatres Royal had gone to an enormous and incredible expence, under the sanction of laws, and reliance on particular Acts of Parliament, if any persons might come and obtain an act to establish a new theatre which might tend to destroy that property.

Mr. MAINWARING admitted the importance of this subject, as Mr. Sheridan had stated it. He said that there was a great difference of opinion among those who had communicated their sentiments to him upon it. Eight or nine thousand persons had signed a petition for a theatre in this place; a great number of others had signed a petition against it. The part he had taken was merely to bring it before the House; for by what he had done, he did not pledge himself to vote either one way or the other; if the bill should be brought in to be discussed, he had only put the subject in a train of inquiry. He wished evidence to be given in the Committee of the sense of the people in that quarter of the city; from which it would appear whether they were for or against it.

Mr. CAWTHORNE saw no reason why leave should not be granted to bring in this bill. The petition was subscribed by a number of very respectable men. He did not know the parties; but thinking impartially on the subject, he could see no good reason why this subject should not be fully investigated; and he was not afraid of giving it as his opinion, that that part of the town had a right to be benefited with amusements of the same nature with the

inhabitants of Weftminfter. For thofe reafons, he fhould never give his vote for a monopoly, and particularly as this theatre would not injure the principal poffeffors.

Mr. WHITBREAD faid, he wifhed only to ftate one fact on this fubject, which was, that the Magiftrates of that quarter were exceedingly averfe to this bill. He defired the petition of the inhabitants of London, who prayed that fuch a bill might not be granted, be read; which being done,

Mr. Secretary DUNDAS faid he had no defire that the eaft part of the town fhould be deprived of the pleafure of theatrical amufements any more than the weft part of it; but he muft tell the Houfe that he had a deputation from fome of the moft refpectable inhabitants of that part of the metropolis, ftating the great impolicy of having a theatre there, and they gave very ftrong reafons in fupport of their opinions. He therefore could not, in juftice to his fituation, countenance fuch a motion as this.

Sir FRANCIS BARING faid, the citizens of London, all around Welclofe Square, were extremely bufily engaged in their manufactories and commerce, and it feemed to him as abfurd to introduce a bill for a theatre in that quarter, as it would be to introduce idlenefs and diffipation into a bee-hive.

The queftion was here put on the motion, and negatived *nem. con.*

Mr. GREY prefented a petition from certain Lottery-Office Keepers, againft a claufe in the late lottery bill, which empowers perfons to enter their houfes by night, on fufpicion of illegal infurance being carried on therein; which was ordered to lie upon the table.

Mr. ROSE obferved, that he had pointed out that particular claufe to the attention of the Houfe, at the time the bill was in the Committee; and there was not then any objection made thereto; the claufe went merely to inveft a fimilar power in the Commiffioners of Stamps; and that both the Magiftrates of the County of Middlefex, and of the City of London, had folicited that fuch power fhould be granted, as otherwife it would be impoffible to prevent infurance: he thought thofe perfons, if there was any well-founded objection to the claufe, fhould have petitioned whilft the bill was depending.

Mr. GREY ftated, that he had no particular intereft in the event of the petition, being totally unacquainted with the petitioners; it had been put into his hand, as he came down to the Houfe, and he did not feel himfelf at liberty to refufe prefenting it; but he thought it better that lotteries fhould be altogether fuppreffed, if fuch laws were neceffary to prevent illicit tranfactions.

Mr. TAYLOR faid it was very poffible the honourable Member (Mr. Rofe) might have ftated the claufe in queftion, and the peti-

tioners never to have heard of it: he did not think the clause so objectionable, till he came to examine it with attention; and he now gave the right honourable gentleman notice, that if he should persist in a lottery next year, as a measure of finance, that he should use this clause as an argument against it; seeing that to support lotteries it was necessary to have recourse to laws so imperious and dictatorial, and inimical to the rights and privileges of our fellow-citizens.

Mr. Chancellor PITT moved the order of the day, which was for the third reading of the bill, to empower the East-India Company to continue their bond debts, &c. which being read, he moved, "That this bill be now read a third time."

Mr. FRANCIS said, that, in his opinion, this bill ought not to pass, in the way in which it had hitherto proceeded, without the smallest attention or notice in the House. Considering all that they had heard very lately, as well as for some years past, of the flourishing state of the India Company's affairs at home and abroad, the increase of dividend to the Proprietors, and the supposed voluntary engagement of the Company to pay five hundred thousand pounds to Government for the service of the present year, and in every succeeding year, while they held the territorial revenues, it must appear to any man, who adverted at all to the subject, a most extraordinary event, that, in the very same session in which these engagements were made, and these flattering promises held out, it should be found necessary, first to enable the India Company, by law, to continue a part of their present bond debt, to the amount of five hundred thousand pounds, which by law they were obliged to pay off in the course of this year, and then to issue bonds to the amount of a million more, *as circumstances might require.* The result of this operation was, that, in fact, the Company, in the midst of their unexampled prosperity, were obliged to borrow a million and a half for the immediate and indispensable service of the year. To continue a debt, after the period fixed for discharging it, was the same thing as a loan, to the amount of the debt continued; and to issue fresh bonds for a million more, was directly and avowedly a new loan; notwithstanding the curious distinction set up by a worthy Director (Mr. David Scott), that issuing bonds at five per cent. was not borrowing money, as if the bonds were to be issued for nothing. In former times, Sir, when a practice and principles of the same sort prevailed at the India House, when a faction of adventurers had got possession of the India Company; when they voted dividends without assets, and borrowed money to pay them, the whole transaction, as I perfectly well remember, was considered by Government, and by the House of Commons, as an audacious fraud

upon the Public, and treachery to the Company, calculated solely to serve private purposes, by giving a false imaginary value to the stock, by which they who were in the secret were to make their fortunes. Against those iniquitous combinations, Parliament then thought it their duty to interpose, and accordingly different acts were passed to restrain the India Company from increasing their dividends, as the Court of Proprietors pretended they had a right to do, *ad libitum.* But things are very much altered since that time. The Ministry and the Parliament are active parties in a practice of precisely the quality. They permit and encourage the India Company to increase their own dividends on one side, while they engage to pay a large annual sum to Government on the other, without knowing or inquiring whether they have assets to answer such engagements or not. Sir, I am not a merchant, nor do I pretend to any great skill in mercantile affairs; but this I know, that no merchant or trading Company has a right to any dividend upon the supposed profits of their trade, but in proportion to the clear surplus or balance that shall appear to be in their favour, upon a fair statement of their accounts, after all the charges of the year are satisfied, and the current debts provided for. The remainder, if any, is at their disposal. To take a dividend out of any other fund, in the case of an individual, is a fraud on his creditors; in the case of a trading Company, it is a fraud on the Public. In the instance before us, the India Company first increase their dividend to ten per cent.; they then promise to pay 500,000l. a year to Government; and now, in the very same year, they come to Parliament for leave to borrow a million and a half. These, Sir, are the grounds on which the right honourable Secretary very lately asked the House, in a language and tone of triumph, "When every thing in the present "condition of the Company is considered, can any reasonable doubt "be entertained of the favourable circumstances under which they "now stand, *or of the brightness of the prospect which is daily opening* "*before them?*" To this brilliant question I shall only answer, that I, for my part, have no doubt about the matter. Their immediate situation is that of a thoughtless or a fraudulent debtor, and their prospect corresponds with it. But this new loan, it seems, and so the act says, is *for the uses of their trade!* What are those uses? The act is silent on that point. Have they extended their trade? Have they opened any new sources of commercial enterprise, which require an increase of their capital? No such thing; nor is it any where pretended. New charges, new burdens, and new expences, indeed, they have incurred of every sort. Payments to the Proprietors, payments to Government, and pensions to indi-

viduals, have been lavishly distributed. If borrowing money for such purposes, can be honestly called *for the uses of their trade*, then the allegation in the bill is true; if not, the whole transaction is a fraud, in which Government participates, and Parliament is to be an accomplice, for a valuable consideration.

Lord MORNINGTON thought the honourable Member had completely mistaken the meaning of the bill. The fact was simply this: that by the act of last session the Company were, in the course of the present year, to have reduced their bond debts to 1,500,000l. After that reduction, by the permission of the Commissioners of the Board of Controul, if they had thought proper, they might again, without coming to Parliament at all, have increased their bond debt 500,000l. so as to have left their bond debt at 2,000,000l. The present bill was to authorize the Company to continue their bond debts at 2,000,000l. and to permit them, if necessary, to add 1,000,000l. to that sum in the course of the year. If this therefore was to be taken as an increase of debt, it would not amount, as had been represented, to two millions, but only to a million and half. His Lordship, however, could not conceive that in any view of this matter it ought to be considered as a debt, because in the course of the present year the Company paid 500,000l. more than they were bound to do by the act of last session. It appeared also, by a former statement, that the Company found themselves under the necessity of paying 500,000l. more than they were bound by the act of last session, in consequence of a million of debt having been transferred from India to Europe; and with regard to the remaining 500,000l. the Company had given credit for their sales to that amount for a much longer period than usual, and therefore, perhaps it might be necessary for them to borrow till they got in their money. Now he put it to the candour of the House, whether, in any view of the subject, this could be considered as an increase of debt.

The honourable Member (Mr. Francis) had said on a former day, that he had not attended the opening of the India Budget, and made a solemn vow, that by the blessing of God he never would attend it. His Lordship said, the honourable gentleman had no reason to bless God on that subject, inasmuch as he appeared to be extremely ignorant on all the main points on which he had touched.

Mr. FRANCIS said, that the noble Lord had not stated how the money mentioned in this bill was to be applied.

The bill was then read a third time and passed, and ordered to be carried to the Lords by Mr. Dundas.

The order of the day being read, for the House to resolve itself into a Committee on the bill, to enable His Majesty to take French

subjects into British pay, and the question being put, that the Speaker do leave the chair.

Colonel TARLETON said, "This bill, Sir, is of so peculiar a nature, and seems to be fraught with circumstances and consequences of such infinite magnitude and importance, that, in my humble opinion, it behoves every individual Member to give it his assent or dissent with his own voice, and in his own language, that his sentiments may be scanned by the present generation, and recorded in the annals of Parliament. This idea, which I feel strongly impressed on my mind, will preclude my trespassing long upon the patience of the House: but I shall endeavour to compress a great deal in a very small compass indeed. It appears to me, Sir, that the subject which now occupies the attention of the House is one of the links (though a heavier one, I confess, than has yet appeared) of the same chain which His Majesty's Ministers, since the commencement of this session, have prepared for the liberties of this country. It requires not much ingenuity or sagacity to discover that this bill is connected with the recent alteration made in the militia bill, and materially allied to the country subscriptions. Step by step, His Majesty's Ministers proceed to undermine the Constitution, and enthral the liberties of Englishmen. Their intentions are so obvious and so clearly demonstrated in this and the two other collateral circumstances I have mentioned, as well as in their conduct relative to the debarkation of the Hessian troops, and their manner of discussing that question in Parliament, that the plainest and meanest understanding cannot be at a loss to interpret their motives, namely, to erect as rapidly as possible a military Government in this country, during the continuance of a war, which His Majesty's Ministers have occasioned, or at least have not used proper discretion and vigour to avert, and which is now maintained and prolonged by English intrigues and with English money. What consequences must arise from the prosecution and completion of such a system, I leave to the cool consideration of the House and of the country. If the majority of the representatives of the people are so beguiled by the eloquence of the right honourable gentleman, are so involved in the mazes of delirium which have been so artfully and industriously extended by the seceders and alarmists, or are so torpid or so corrupt that they cannot, or will not, judge and pronounce upon their own imminent danger, the country and posterity, I hope and trust, will acquit the Members of opposition from the imputations, I had almost said guilt, which may attach to the present House of Commons. Sir, I think it necessary that I should briefly point out the glaring absurdities and the hazardous consequences

which are contained in the preamble to the claufes of this bill, notwithflanding a convenient time to do fo is likely to occur when the bill goes into a Committee, yet, Sir, I cannot omit any opportunity of detecting the fallacy and danger of this bill. It bears in its frontifpiece or its preamble "to enable fubjects of France to enlift as foldiers, to ferve on the continent of Europe, &c." Does not this evidently pronounce itfelf delufion? When the rebellions againft the exifting Government of France were in full force in La Vendee and at Lyons, when Toulon was in our poffeffion, did we adopt thefe meafures? No. But we begin to confpire and to combine when France appears impregnable, for fo fhe muft appear, or elfe the right honourable gentleman would not have called her an armed nation. Againft whom then are we calling in thefe auxiliaries? The object muft have a different fituation, or elfe the fyftem, I may fairly infer, muft be founded in incapacity and delufion. Many objectionable parts occur in the firft claufe, fuch as the manner of raifing the men, the facility of receiving pay, of muftering ftrong, and of fighting weak; the full pay during war, and the no-pay afterwards, the difference of religion, and the places of deftination. But this I have no doubt will be fully difcuffed in the Committee. The fecond claufe fays, "that in cafe it fhall be deemed neceffary or expedient to bring any fuch troops as aforefaid to any port or place in Great Britain, for the purpofe of rendezvous, or for the operations of war, and it fhall be deemed neceffary or expedient to land fuch troops in any part of Great Britain:" and then it proceeds to ftate "the diftance from the coaft, &c." I cannot for a moment delay expreffing my difapprobation and aftonifhment at the tenor of this claufe. What! land 20 or 30,000 men, or any indefinite number, in England, and allow them to ferve there at all! I afk the Houfe where Portfmouth and Plymouth are fituated? Are they not on the coaft? Are foreign troops then to take poffeffion of thofe naval bulwarks of the kingdom? Are our dock yards and arfenals to be entrufted to Frenchmen?

"*Timeo Danaos et dona ferentes.*"

Can any man read this claufe without aftonifhment? Can any man view fuch a debarkation of troops without dread? Can any Englifhman exift that will not proteft againft it?

The third claufe ftates indefinitely "that thefe troops fhall be fubject to fuch articles as His Majefty fhall think fit to eftablifh for the better government of fuch forces, &c." I fhall not comment now upon this claufe, but only remark that it is leaving a dangerous latitude to His Majefty's Minifters. But I fhall now fay a few words upon that ill-omened monofyllable made ufe of by the right

honourable gentleman on a former occasion: that emphatic and formidable *yes*, indicates a meaning more expressive than all the amplification the most eloquent man within those walls could call to his assistance. These troops then, if employed in France, are to march with halters round their necks, and in case of misfortune, we are to retaliate. Then indeed a bloody scene commences, when the scabbard is thrown away; and the conduct of our Minister reminds me of one of the grandest and most awful passages in our first poet:

"And let the world no longer be a stage,
To feed contention in a ling'ring act;
But let one spirit of the first-born Cain
Reign in all bosoms, that, each heart being set
On bloody courses, the rude scene may end,
And darkness be the burier of the dead!"

One single word on the beautiful ejaculation of a right honourable gentleman on a former occasion, with regard to property. Where is the security for property against hordes of desperate men, driven out of their own country, and armed in England? Where is the security for property during the formation of a military government? Where is the security for property, when His Majesty's Minister undermines the constitution?

Here, Sir, I shall leave the question, reminding gentlemen of the time and circumstances attending this bill, and earnestly exhorting all Englishmen not to hoodwink their understanding, and voluntarily impose fetters upon themselves and their children; for I firmly believe the passing this bill in its present form will destroy the privileges of Magna Charta, will undermine the Bill of Rights, will set at naught some of the important provisions of the Act of Settlement, and finally annihilate the British constitution. Therefore, Sir, I shall give it my most cordial opposition.

Sir WILLIAM YOUNG confessed that he saw the present bill in a very different point of view from the honourable Colonel (Tarleton); in Sir William's opinion, it was as wise and as necessary a measure as ever had been proposed by the Legislature; and should gentlemen persist in their opposition, he declared he should feel it his duty to trouble the House more than once upon the subject. It certainly had an intimate connection with the late measures of Administration, both in expediency and necessity, and as being peculiarly adapted to the emergencies of the times, and the defence of the country. The same reasons which justified subscriptions, would convince the House of the necessity of the present measure; both having but one end, and one object—the public safety. From the doctrine of retaliation, at which gentlemen seemed so

much alarmed, those dreadful consequences were not to be feared; because there had been troops precisely in the same situation in which those French corps would be, and nothing of the danger, which gentlemen affect to apprehend so much, had ever occurred; that objection would have been equally applicable, had they given assistance to the insurgents in La Vendee, a measure which the gentlemen on the other side of the House had so frequently contended should have been carried into execution.

Mr. WHITBREAD said, that he ought to apologize to the House, for offering himself to their notice on the present occasion; but he felt so many objections arise in his mind, ever since he had first heard of the adoption of this plan, that he could not resist the present opportunity of expressing his disapprobation; and what had fallen from the honourable Baronet (Sir William Young) rendered it more excusable. He was of opinion with his honourable friend, (Colonel Tarleton) that this was another link of that oppressive chain, which Ministers had been forging to shackle the people of this country, and that it was every man's duty to resist its completion. He was much surprised never to have heard the necessity of the measure stated by any gentleman; it was enough that it was suggested from a certain quarter, to insure its success in that House. If the adoption of this bill should establish the opinion, that we were fighting to restore despotism, the gentlemen on the other side should be most strenuous opposers of it, as they had declared repeatedly, that it was never the object for which we entered into or continued the war; if it was in reality the object of the war, and had been avowed as such at the commencement of the war, notwithstanding the influence of the right honourable gentleman (Mr. Pitt), he was convinced in his mind that the supplies would not have been granted, and that the House would never have concurred in what was an act of turpitude in a free nation. The present bill, he maintained, was altogether unnecessary, as, under the Alien bill, the emigrants might have been compelled to enlist, or quit the country; and with the Alien bill in one hand, and bounty money in the other, there could exist no doubt of their success. Another objection which he had was, the situation, as an honourable friend of his expressed it, that those unfortunate persons were placed in by the bill; they were sent with a halter about their necks into the field, a situation in which no soldier in the pay of Great Britain should be placed. He wished to know if they meant to establish it as a principle, that a power at war with another might induce its subjects to take up arms against it; if such principles were maintained, and the doctrines of retaliation to follow, woe be to this

nation! and woe be to mankind! for deſolation and bloodſhed muſt be the inevitable conſequences of it! That monoſyllable which had been alluden to, and which expreſſed an aſſent to thoſe doctrines, ſhould be explained, and Miniſters ought to declare if ſuch was the opinion they maintained. Another objection was, the expence with which this meaſure would be attended, a conſideration which he thought it proper to attend to; great and extended operations, ſuch as thoſe of this country, muſt be attended with conſiderable expence. The reſources of the country were great, undoubtedly; but, like all other human means, finite. The termination of the war was yet far diſtant; we had been acting in a circle, and were now as far removed from the completion of our object as when the Duke of Brunſwick commenced his career in 1792. It had been anſwered that this corps could not be embodied ſooner with advantage, which he contended might have been done with infinitely greater proſpects of ſucceſs at the commencement of the war. It was ſuppoſed the finances of France would not hold out to ſupport her through a ſingle campaign; but the embattled arithmetic of her enemies had been carried away by the point of the bayonet. The queſtion was now, whether their finances would not endure longer than thoſe of the allies; the finances of the King of Pruſſia are already exhauſted, as appears from his own Declaration, which though denied to be authentic on a former night, has ſince appeared in the different Gazettes of Europe. [Here he read an extract of the laſt Declaration of the King of Pruſſia, on the ſubject of the continuance of the war.] Perhaps Auſtria might ſoon find itſelf in the ſame exhauſted ſituation. The war was then to be ſupported, and kept up by Engliſh intrigue, paid for by Engliſh money, and cemented by Engliſh blood, of which too much had already been waſted, on a ſyſtem of folly and injuſtice, commenced by our Miniſters by a falſe alarm, and continued by deluſion, and that for the purpoſe of impoſing a form of Government on a people, who had a right to chooſe it for themſelves. The laſt point of view in which this meaſure appeared to him, was that in which it affected the conſtitution of this country. He thought it extremely objectionable in that reſpect. It went to the utter ſubverſion of the Act of Settlement; it empowered the King to have any number he pleaſed under his command of foreign troops; to increaſe them when he pleaſed, to make for them and their officers what law he pleaſed, and if any danger ſhould ariſe from all this, there was no remedy which could poſſibly be applied. The Houſe would exerciſe its diſcretion on this important buſineſs; for one, he could not conſent that this meaſure ſhould be any farther carried on. He would here take an op-

portunity of recalling an opinion he had given, when, on a former occasion, some gentlemen had insinuated the policy of introducing the criminal law of Scotland into this country, that he hoped, if any person were to make such a motion, that some one would be found bold enough to impeach him; this had dropped from him in the warmth of debate; he had since found his error, and was convinced that no Member could be impeached for any motion he should make in that House, however dangerous in its tendency: he thought, that knowing himself in an error, he should now confess it; what he said then, or at any other time, merited little attention.

Lord MULGRAVE said, he should not detain the House for any great length of time; he rose chiefly to answer one part of the speech of the honourable gentleman who spoke last, which related to the retaliation on prisoners to be put to death. He observed that when he was at Toulon, there were persons serving in the garrison on an important post, who were surprised and taken. It was stated that they were massacred in cold blood; he took pains to inquire into that subject, and directed other Officers to do the same, and he found that no such event had happened. So far from it, there was not the least danger to be apprehended, but at the same time he was far from pledging himself, as to what might happen on such occasions, and if on any future occasion a contrary conduct should be adopted by our enemies, we must pursue the same measure, particularly if we thought of bringing this war to a successful conclusion. A contrary doctrine would lead to the most dreadful situation; for if the enemy should pursue this method of assassination, and should find that we would not do every thing in our power to deter them, they would bully us with the threat of it from day to day, for the purpose of inspiring terror. He knew it was not the custom of civilized nations, or of modern times, to put prisoners of war to death; but if our enemies deserted that civilized practice, we must in justice to ourselves retaliate. He was perhaps going to involve himself, in what he was going to say, but candour demanded it, and he should speak plainly. The ground on which he intended to proceed at Toulon, was this,—He should have sent out a flag of truce, stating to the enemy, that if any such violence to the law of nations, and to the feelings of humanity, were offered by them, he should man for man retaliate; and however cruel that might seem in us, and however repugnant to the feelings of human nature, he was ready to declare he believed it to be necessary in such a situation; for if we did not proceed on equal terms, we could not carry on war at all. He observed that a number of British, to the amount of about 150, had been taken by the enemy; twelve of them

escaped, and from them it appeared that the French on that occasion gave no quarter. He therefore wished to know whether after this, it would be wise in us to be bullied by our enemies, and to shew them that we were afraid of their inhumanity, or any of their other desperate qualities? With regard to the objection that had been stated, to the King having the whole power of the troops to be raised by the present bill, it was not more so in this case than any other by the articles; and he wished any gentleman to point out the distinction.

Major MAITLAND expressed his surprize at the doctrines laid down by the noble Lord. He had many objections to the bill; it was unconstitutional in its object, and fatal in its tendency. When a right honourable gentleman (Mr. Burke) had, on a former occasion, declared in his sentiments on the nature of property and Government, he should have taken into consideration, that if the property of France had been true to itself, the present Government would never have arrived to the pitch of horror it now maintains; but they, instead of standing by, and supporting their property against encroachments and despoliation, fled. Are these the people whom we now employ to fight for the recovery of that property which, when in possession of, they would not defend? Those men who deserted their property, and their King, and left him to an ignominious fate, are now to be employed to recover that property, and defend our King? Among those men a general discord reings. You can scarce find two of the same opinion with regard to the affairs of their own country, and therefore they are totally unfit to be employed. As to the efficacy of the measure, he would oppose the practice of the King of Prussia to the theory of other Princes: what does he say, and what does he set forth in his declaration, which now will not be denied to be authentic? "That the war was a war with a populous nation, provided with every resource of war to back them; an enemy that presses forward in a mass, of approved tactics, and a numerous artillery." He then adverted to the assertion of the noble Lord, which was, that he could perceive no difference between these troops and other troops under His Majesty. He observed the great jealousy of our forefathers, who would not permit the Crown to touch a single farthing belonging to Officers or soldiers, that they might not be under its influence; and, by the Mutiny act, the mode of punishing offences in soldiers was defined; but for these troops, His Majesty may make what laws he pleases, to punish with loss of life or limb: and, in fact, they would form a powerful force immediately under his direction; and, if he pleased to exercise his authority over them, might march, at

any time, ten thouſand of them even to the City of London. He then ſpoke to the doctrine of retaliation, a doctrine replete with horror, bloodſhed, and devaſtation of the human race. He contended, as a principle founded on the law and cuſtom of nations, that any French ſubject, taken in arms againſt his country, was liable to be hanged; and it was admitted in the very preamble of the bill, that they were ſubjects of France. If any of theſe perſons were taken bearing arms againſt their country and hanged, ſhould we retaliate againſt them, by putting to death, any unfortunate Frenchman that might be ſo unhappy as to fall into our hands, as the victims of our vengeance; or as the noble Lord ſuggeſted, give him up to the French in our pay, to treat as they thought fit? Is it probable that the French would confine themſelves to ſuch French priſoners as they might take? Certainly not. Britons would be made a ſacrifice; and once this ſcene of carnage commenced, where would it terminate? We ſhould recollect that we all have friends and relations endeared to us by every tie that binds man to man; we know not how ſoon our deareſt connections may fall a ſacrifice to this infernal and cruel ſyſtem. We ſhould recollect our gallant Commander in Chief, (General O'Hara) at Paris, in what ſituation we place him; we ſhould recollect that the ſons of our Sovereign are employed in this war, and might become the victims of this barbarous ſyſtem. What will be the opinion of our troops when it ſhall be told in camp that not only Miniſters, but even their own Generals have endeavoured to promote a ſyſtem ſo deſtructive and barbarous, that indicated ſuch want of feeling and affection with reſpect to their countrymen employed in the moſt honourable manner, the ſervice and defence of their country? He next contended, that the ſeveral powers veſted by the bill were incompatible with the grand principles of our Conſtitution; that they militated againſt Magna Charta, the Bill of Rights, and Act of Settlement, for which reaſon he ſhould oppoſe the Speaker's leaving the chair, as nothing could be done in the Committee that could make the bill a good or deſirable one.

Mr. MONTAGU approved of the bill, as an efficacious meaſure, tending to an almoſt immediate peace, and without any danger to the Conſtitution. More force might be obtained by embodying the diſcontented French, now that all deſcriptions of men, forgetting their former differences, were diſguſted with the preſent rulers, than from our allies. The very circumſtance of ſuch men having no mercy to expect from their opponents in the field, would make them more true to us. If we had loſt one ally, which, however, he did not believe, the more reaſon was there to look for other allies.

Retaliation in war was partly matter of right, partly matter of expediency. Men went to war with the intention of killing one another, and if they spared prisoners, it was only on the supposition of mutual convenience. In various instances of civil wars, the idea of mutual convenience had prevailed over the notion of right, and prisoners had been spared on both sides. Such might be the case in the present war. The restoration of the old despotism of France, if he had not heard it expressly disclaimed by Ministers, he had too much confidence in their good sense, to believe to be their object. There was no forcing back the river to its source, or stopping the tide of the ocean. A new despotism worse than the old might succeed under the iron hand of an usurper, but the old could not be restored. Gentlemen on the other side know well that the object of Ministers was a safe and speedy peace.

Major MAITLAND said, he had only stated what all the world knew, that the King of Prussia had declared his secession to the States of the Empire. What effect the offers made to him by Ministers might have, he pretended not to know.

Mr. STANLEY thought that nothing could be more desirable than destroying the present despotism in France; and that nothing could more conduce to it than embodying all the opponents of that despotism.

Mr. EAST said, that the honourable gentlemen on the opposite side had promised to support the war, if it once commenced, with their utmost efforts, and now it had commenced, they seized every opportunity to retract that promise by their open and flagrant abuse of it. It had been asked on a former evening, why the present question was not brought forward earlier in the session? to which he would reply, that the longer the war continued, the greater the sacrifices which were to be made, and the greater the necessity for new expedients to conclude it.

Mr. SHERIDAN declared, that understanding there were very considerable amendments intended to be introduced in the Committee, he should defer any further opposition till he should have an opportunity of judging of the bill. At the same time, that he was ready to say, that in his opinion, nothing could make the bill palatable, let the amendments be what they may.

General SMITH spoke in favour of the bill.

Mr. DENT said, that if the French emigrants, who had been so liberally supported by subscriptions in this country, did not enlist when an opportunity was offered them, they ought to be sent out of it.

The Houſe divided on the motion for reſolving into a Committee,

Ayes, 130; Noes, 28.

The Houſe then reſolved into the Committee; and in the firſt clauſe it was propoſed by Miniſters to ſubſtitute for the words "ſubjects of France," the words, "ſubjects of the late Moſt Chriſtian King."

Mr. SHERIDAN and Mr. Fox contended againſt the Chancellor of the Exchequer and the Solicitor General, that this was a mere evaſion to get rid of acknowledging in words, what had been acknowledged in fact, viz. the exiſting Government of France. The amendment was adopted. A converſation took place on the different clauſes, in which the Chancellor of the Exchequer, Mr. Fox, Mr. Sheridan, Major Maitland. Mr. W. Smith, Mr. Whitbread, Mr. Secretary Dundas, the Attorney and Solicitor General, Mr. Stanley, Mr. Eaſt, Sir William Young, and others, took a part; various amendments were propoſed, ſome of which were agreed to, and others rejected: on the laſt clauſe an amendment was propoſed by Major Maitland, to make the bill an annual bill, which produced a few words from the Chancellor of the Exchequer, Mr. Sheridan, and Major Maitland, upon which the Houſe divided,

For the amendment, 17; Againſt it, 78. Majority, 61.

The bill being gone through, the report was ordered to be received to-morrow.

Tueſday, 15th April.

Mr. MAINWARING moved, that the order of the day, for referring to a Committee of the whole Houſe the bill for enforcing a due obſervance of the ſabbath, might be read: which being done accordingly, and the motion being made, "that the Speaker do leave the Chair."

Mr. JOLIFFE ſaid, that there were ſome parts of the bill to which he had the ſtrongeſt objections, and which he imagined the Houſe would hardly agree to enact into a law. As thoſe objectionable parts were ſo obvious that no one could fail to ſee them, he hoped they would be given up.

Mr. COURTENAY ſaid, he objected to the whole of the bill; to ſome parts of it, as being unneceſſary; and to others, as being in their tendency poſitively miſchievous. He pronounced it to be a bill to encourage informers, and to hold up rewards to profligate low-minded men, and invite them to injure and diſturb the well-being of their fellow-citizens. Of all the characters that the uni-

versal consent of mankind had gibbeted up to everlasting infamy, that of the informer was the most conspicuously infamous; and by the present bill, if it should pass into a law, the great Senate of a great nation was holding out a system of encouragement to the needy and unprincipled man to become that infamous character, and to supply means for his vices by the spoliation of the unsuspicious and unguarded. He called it a puritanical bill, which professed a great care for religion, but was repugnant to the essential principles of christianity, and which leaned its whole weight on the poor, depriving them of the only comfortable meal they could eat in the week; while it left the rich to play at cards, and enjoy every pastime, however vicious, in breach of the sabbath, uncontrouled and unpunished; and he would therefore divide the House on the question.

Sir JAMES SANDERSON denied the construction put on the bill by Mr. Courtenay, and said, that it gave as great a latitude as was necessary to accommodate the poor, by leaving the bakers at liberty to bake from nine to one o'clock, and to deliver the articles baked till two.

Mr. WILBERFORCE said, that he thought it was hardly necessary for him to remind the House, that by the established Constitution, religion made a part of the law of the land.—He did not therefore expect that such observations as had fallen from the honourable gentleman (Mr. Courtenay) would have been thrown out in that House.—Regarding religion even as a merely political institution, he would say, that that man was no friend to society, no friend to the policy of the country, who would shake that religion, by taking away its great substratum, the periodical weekly memorial of its existence, and confounding Sunday with the other days of the week. By the honourable gentleman's argument, it should seem that he would have buying and selling carried on on the sabbath day, a circumstance which, if it took place, could not fail to eradicate all respect for religion from the breasts of the people, and bring on all those consequent mischiefs, for a description of which he referred the House to the calamities of a neighbouring country.

Mr. MAINWARING said, that he was convinced the honourable gentleman (Mr. Courtenay) had not attentively considered the clause alluded to, or he could not have given it the interpretation he had done; and requested therefore that he would allow the bill to go into a Committee.

Mr. COURTENAY agreeing to this requisition, the House went into the Committee. When that part of the clause was read which gives Magistrates a discretionary power to pay informers their expences over and above their share of the penalty, it was warmly

opposed by Mr. Courtenay, Mr. Hussey and Mr. Joliffe, and as warmly supported by Mr. Mainwaring, Mr. East, and Sir William Scott. At length, Sir James Sanderson giving it as his opinion that the provisions of the bill might possibly be carried into effect without it, the clause was agreed to be left out.

Mr. JOLIFFE moved, that the operation of the bill should be confined to a distance of five miles from London; when it being suggested that such an alteration required the most grave and deliberate consideration, it was agreed that Mr. Joliffe should reserve his amendment to the bringing up of the report, or the third reading, and that in the mean time the bill should go through the Committee; which was accordingly done, and reported to the House.

Wednesday, 16th April.

On reading the report of the bill for the further prevention of delays in the election of Members to serve in Parliament,

Mr. FOX observed, he was a friend to the bill as far as it went; it provided for the mode of taking the oaths of Electors; that was right; but the bill in his opinion did not go far enough; he wished that the whole of what was called the long oath should be omitted at all future elections. Having shewn the absurdity of administering that oath on such occasions, he moved that the bill should be recommitted for the purpose of striking it out of the bill. The motion passed, and the bill was ordered to be recommitted on Monday the 28th of April instant.

Mr. SHERIDAN gave notice that he should, on the first open day after the holidays, move for leave to bring in a bill to put the Roman Catholics and Dissenters of this country, at least, on a footing, as to tests, with the foreigners about to be employed in the service of this country in the present war; and he really wished, he said, that Ministers would take this into their most serious consideration, and hoped there would not be a dissenting voice to that proposition.

On reading the order of the day for taking into consideration the report of the bill to enable subjects of his late Christian Majesty to enlist in the service of this country, on the Continent, &c.

The ATTORNEY GENERAL moved an amendment—"Provided always that every person who shall enlist as a soldier shall be attested in such manner as His Majesty shall direct, in his articles of war; and shall take such oath of his fidelity during his continuance in His Majesty's service." This produced a conversation; Mr. Sheridan, Mr. Fox, Mr. Taylor, and Mr. Grey, contending that the form of the oath should be settled by Parliament: the Attorney General, Mr. Ryder, Mr. Dundas, Sir William Young,

Lord Mulgrave, and the Chancellor of the Exchequer, contending it ought to be left to His Majesty to be settled under the articles of war.

The question being put on the words, as moved by the Attorney General,

Mr. FOX said, he had endeavoured for some time in vain to understand the real meaning of a great deal of what he had heard from gentlemen on the other side of the House on this subject; but he thought he had at last been able to discover the drift of their intentions. This amendment of the learned gentleman, was in reality to exempt the Officers to be employed in this service, from the effect of the Test Act. He had no objection whatever to that exemption; he wished that the operation of the Test Act should be done away altogether; but he thought it would have been but fair and candid to state the inconvenience of applying the Test Act to these persons: that however would have put Ministers under a dilemma, for it might appear a little absurd to give up the Test Act, with respect to this corps in general, and yet to continue its application to all the Catholics and Dissenters in this country.

Mr. Chancellor PITT said the general policy of the Test Act applied to persons holding offices of trust within this kingdom. This was a corps to be employed out of the kingdom: this was a distinction which the right honourable gentleman had confounded.

The ATTORNEY GENERAL's amendment was adopted.

Mr. SHERIDAN then proposed an amendment, that, instead of the bill being in force during the present war, it should continue only for one year. He observed that His Majesty had no power to continue in his service his own subjects longer than one year, and that this was always under the provision of the Mutiny bill. He saw no reason whatever, on the contrary he saw much danger, that the power of the Crown should be more extensive with regard to the employment of foreigners in the British service. The object of the war was now defined by Ministers to be that of the destruction of the present form of Government of France, and the establishment of order, morality, and religion in that country. It might, perhaps, be discovered that we should not be able to effect that without employing 500,000 men, and by this bill the number was indefinite. He would then ask, whether any vote of credit that House ever gave to the Crown was so extensive as this? He would ask gentlemen what answer they had to give to their constituents if they should demand to know how the power of the purse of this country stood? Were they not bound to confess that the whole of it was entirely given up to the discretion of the Executive Power? And although

the bill was silent as to the half-pay of all those who should act under this bill, yet it might turn out in the event, that although they had no claim upon this country according to the letter of the act; yet, like the American Loyalists, they might have an irresistible claim on our magnanimity, generosity, and even justice. Besides, after we had succeeded (which by the way might be many years hence) in the glorious cause of establishing a Government in France, the contest might be changed into a squabble for indemnification, and an attempt to partition France, in which persons acting under this bill could not possibly assist. He urged many other arguments in favour of his amendment; the great object of which was to keep in the hands of that House, what they always ought to have for the benefit of the people, the power of the public purse.

Sir WILLIAM YOUNG contended that men would not enlist under the bill if it were limited to one year.

Mr. M. ROBINSON could not agree to give such a wound to the Constitution, as he thought the bill must give, without the amendment now proposed.

Mr. BAKER wondered that Ministers, who were responsible for the whole measure, should offer no defence for so extraordinary a clause, especially after such convincing arguments had been urged for the amendment. He was a friend to the bill, as far as it went to enabling His Majesty to employ Frenchmen on the continent; but he could not support it at the expence of the Constitution.

The Earl of INCHIQUIN said, it was the practice of opposition, who had pledged themselves to support the war, to oppose, by cavils and quibbles, every measure for carrying it on. Not that they had any solid arguments, but hints were every day thrown out which did mischief out of doors, where such topics ought not to be discussed, and which ought not to be suffered.

Mr. GREY said, he had expected that the noble Lord who asserted that opposition had no arguments, would have produced some of his own. Their speeches, the noble Lord thought, should be restrained, because they produced ill effects; the time, however, was not yet come when a proposition to restrain the freedom of debate was likely to be much relished. In what instance had they opposed the necessary and constitutional supplies for carrying on the war? An unconstitutional measure he should always oppose, even when intended to promote a desirable end. Besides, the amendment, while it rendered the bill more conformable to constitutional principles, did not render it less effectual for its intended purpose.

The Earl of INCHIQUIN said he alluded only to the seditious meetings up and down the country.

Mr. CANNING said, that the raising of an army for a longer period than a year, was not unprecedented, and instanced the case of the troops in the East Indies, and the volunteer corps in the present war; and he thought he hardly need remind gentlemen on the other side, of those raised in 1782, which were limited to t heduration of the war. One objection to its being annual he thought to be this, that few would hazard entering and going to the continent on so very short a period of provision.

Mr. JEKYLL said, a bill for raising an anomalous army was very properly supported by anomalous arguments. The explanation of a noble Lord was as irrelevant to his speech, as his speech was to the question before the House. He argued in favour of the amendment.

Sir WILLIAM MILNER said, he approved of the amendment from no disposition to cavil. When he differed from Ministers on any subject relating to the war, he differed from those from whom he had learned his political opinions, with whom he had lived, and with whom it gave him pain to differ. When the bill was first proposed, he was under some difficulty in forming his opinion. He thought it reasonable that the emigrants should be employed in fighting what was more their own cause than ours; but then they were men of such opposite descriptions. Many of them had fled from their own country, because they could bear nothing but the old system of French Government—a system which no man in this country could wish to support.

The SOLICITOR GENERAL said, that the reason of making the Mutiny bill annual, appeared to be, because it was thought unfit to trust the articles of war made, or that might be made by His Majesty, for the Government of troops within the kingdom, longer than a year; but this did not apply to troops that were to be employed abroad.

Mr. SHERIDAN said, the Mutiny bill for the King's troops in India was annual. It was only for the Company's troops that it was permanent. The volunteer corps proposed to be raised for the internal defence of the country, were as much under the Annual Mutiny bill as the regular troops; and if it should be suffered to expire, they might be very respectable gentlemen in red coats, but they would be no longer soldiers.

The House divided on the amendment,

Ayes, 29; Noes, 128.

Mr. SHERIDAN propofed a claufe to limit the number of perfons enlifted under the act, which fhall, on any pretence, be within the kingdom at any one time, to 5,000, which was adopted.

The report being gone through, the bill was ordered to be read a third time, to-morrow, if engroffed.

Mr. FOX faid, he had oppofed the bill in every ftage: it did not appear to be rendered lefs objectionable than when firft introduced, and he fhould again oppofe it on the third reading.

The Houfe adjourned.

Thurfday, 17th April.

Mr. GREY prefented a petition from the debtors confined in Morpeth gaol, praying for relief. He availed himfelf of the opportunity of faying a few words relative to the propofal which he had made on the fubject of perfons confined for debt, in a former feffion. After the difappointment of that propofal, he confeffed that he entertained fmall hopes of being fuccefsful on any fubfequent one. Befides, the fubject had been taken up in another Houfe, and the Judges had been ordered to prefent a report upon it. The report, he trufted, would foon appear, and he hoped that the relief extended to the unfortunate perfons would not be alone temporary, but that it would be radical, effectual, and permanent. The petition was brought up and read.

The bill for empowering His Majefty to enlift Frenchmen was read a third time; and on the queftion being put, "That the bill do pafs,"

Mr. HARRISON faid, as a guardian of the public purfe he could not confent to place confidence in His Majefty's Minifters to the extent required by the prefent bill, even modified and amended as it had been the preceding night. It was, in his opinion, imprudent, unconftitutional, and dangerous to the liberties of the country to embody and faften in its bofom, an army compofed of emigrants from a country which had for ages been confidered as our natural enemy. The fevere meafures which Government had found it expedient to adopt for the regulation of thofe perfons refident in this kingdom, were fufficient to eftablifh that their object was inimical; and yet the remnants, who perhaps had the addrefs to elude the vigilance of the ftatute, were now to be defenders of thofe liberties which ought to be entrufted folely to nations who had an intereft in their prefervation. If, for the fupport of the war, Minifters were driven to fuch defperate expedients, he trufted their conduct would open the eyes of the people, and induce them to demand an immediate peace. It had been urged with great plaufi-

bility by an honourable gentleman (Mr. Burke) that we muſt either ſucceed in the war, or incur all the calamities of France. This doctrine was calculated to delude, and like the evaneſcent blaze of a meteor, for a moment to dazzle the eyes of the people. Having already ſtated the grounds on which he had hitherto oppoſed this war, which he would ever conſider as unjuſt and unneceſſary, he ſhould now object to this mode of protracting it, by reſiſting the bill in its preſent ſtage.

Mr. FOX ſaid, I really intreat the pardon of the Members of this Houſe for troubling them on a ſubject, on which it appears that their minds are already made up; but I feel an irreſiſtible impulſe to deliver my ſentiments, on a bill of ſo great importance, that if carried into practice on thoſe principles that have been laid down, it will probably produce conſequences infinitely more alarming than any that could have been produced, if no meaſure of the kind had been adopted. When the bill was introduced into the Houſe, I requeſted that the grounds and cauſes of its adoption might be ſtated. My requeſt was not complied with, and now in the laſt ſtage of the bill, my diſtreſs and difficulty are equally as great as they were in the firſt. Several objections indeed have been urged; and theſe have received diſcuſſion. But I know of no one Member who has mounted up to original principles on the ſubject. In a former debate it was ſtated, that great advantages muſt reſult from the employment of men who are fighting for their lives. It was alſo ſtated, that the property of England is identified with that of the emigrants; and that if the property of the latter were not reſtored, the property of every perſon in this kingdom would be no longer ſecure. This I acknowledge is the only fair and manly argument that has been uſed; but at leaſt it muſt be allowed that it is a new argument. Before the war was entered into, I certainly did oppoſe it on grounds which I ſtated at that time, and which I ſtill maintain, were ſolid and ſubſtantial. My oppoſition, however, to the war did not prevent me from affording it my ſupport after it was commenced. But in what manner was it to be ſupported?" By fleets, armies, and money. Any other means could not certainly come within my contemplation. At the commencement of the war, the cauſe was ſtated to be the aggreſſion committed by France upon Holland, and her interference in the navigation of the Scheldt. I undoubtedly conceived that this aggreſſion might have been the ſubject of negociation, and that it might have been diſcuſſed in another manner than that which was adopted. But at that time, there was not even the ſlighteſt hint of an intention to interfere in the Government of France, except to conſider how far ſecurity ought to

be obtained from ſuch a Government. But the idea of treating with it was not abandoned, nor was it contended by any perſon, that the mere objection of the Government being in the hands of particular perſons, was ſufficient to prevent a negociation for peace with them. Had ſuch an argument been uſed at that time, I do not believe that the war would have received that ſupport which it has received. I therefore do complain for the people of England, that we were led into the war on one pretence, and that the war has been carried on on another. I am willing to allow that the aggreſſions might be a juſt cauſe of war; but I contend that the interference in the Government of other nations is unjuſt, and perfectly iniquitous—that it is againſt the law of nations, and that it is not to be found in the works of any author who has written upon the ſubject. By engaging emigrants, you infuſe into the minds of theſe unfortunate men, an idea that your determination is to attempt the overthrow of the French Government. And here I muſt expreſs my compaſſion for the ſufferings of theſe perſons. Though I blame part of their conduct, and diſſent from many of their opinions, yet, that diſſent does not weaken that ſympathy and pity which I feel for their ſituation. Their principles ought not to be imputed to them as crimes; for I conſider toleration, both in civil and religious Government, not only to be the baſis on which the happineſs of men reſts, but that it is the foundation, I had almoſt ſaid, of almoſt all the virtues in the world. The conduct of theſe emigrants, I muſt confeſs, has fully proved, that they do act from principle. There is no way in which this war can be conſidered that is not material! I ſhall, however, reduce my view of it to two points: Firſt, the manner in which peace can be accelerated; and, ſecond, to the means by which the war may be made as little bloody as is conſiſtent with that horrible calamity. To the manner in which the war is carried on, I have to object, that it tends to make it longer, more bloody, and more ſavage; for with reſpect to its duration, if the object firſt ſtated, of reſtoring the navigation of the Scheldt, and of relieving Holland, had been adhered to, I ſhould indeed entertain ſanguine hopes of the ſpeedy termination of it. And let us conſider how, if we were at war now with any of the Princes of the Houſe of Bourbon, the capture of Martinico, or any of the other French Weſt-India iſlands would bring us nearer to the end of the war, becauſe thoſe Princes would be induced to make peace, either by the hope of recovering thoſe iſlands, or by the wiſh of preventing other iſlands from ſharing the ſame fate. Such was the cauſe of the peace of Fontainebleau in the reign of Louis XV. and of the peace of Paris in the year 1783. If we were at war for

the navigation of the Scheldt, every victory, and every success, would bring us nearer to peace. But all these considerations are done away, and are of no avail in this war, which is not for the recovery of territory, or for indemnification, but for the destruction of that Government with which we are contending, To that Government therefore, the loss of one island, or of all their islands, can afford no argument for making peace, because the persons administering that Government, know that you are endeavouring to destroy even their existence. It may be said, that the capture of the islands may diminish the attachment of the people to the Government; will any one contend that such an effect is now to be expected! or is there one man, woman, or even child in France, who, having borne all that he has borne within the last five years, and having suffered all the horrors which have deluged France within that period, will be induced to desert the Government, merely for the loss of an island in the West-Indies? We all know that when the mind is irritated and goaded, remote consequences possess little effect. What then is the result? Why, that if you had adhered to your first object, every advantage would have led you nearer to peace, while by changing that object, and by adopting a determination to overthrow the French Government, you cannot terminate the war, but by the conquest of Paris, or the principal cities in France. I therefore disapprove of the bill, because I believe such a conquest will be most difficult, if possible. The assertion used on a former night, that to conquer Paris was to subdue France, was a wise one. The means of producing this effect, viz. by taking all the fortified towns, were perhaps also wise. But these arguments only tend to discourage me; for whoever looks at that, which has so well been called the iron frontier of France, must see, that the labour is Herculean, and that the strength ought also to be Herculean. I have been taunted about some opinions I expressed relative to the victory of Jemappe. Such taunts I do not mind. It has been asked, in derision, Whether it was such a glorious action for 60,000 men to conquer 20,000—Sir, let us not hold the military character of France too low. I have read the declaration of the King of Prussia, (in which he speaks of the military character of the French, whom he asserts to be "a highly populous nation, an enemy which presses forward with an insanity of fury, approved tacticks, and a numerous artillery."

Experto credite, quantus
In clypeum assurgat, quo turbine torqueat hastam.

In the description which this declaration affords, I see nothing to

make us believe that the conqueſt of France will be eaſy. At the period of our taking poſſeſſion of Toulon, we pledged, inconſiderately, and unwiſely, I think, the honour of this country, to reſtore the conſtitution of 1789. I would, Sir, conſider well before I pledged that honour in a cauſe which, if not deſperate, is at leaſt very doubtful. I would be extremely cautious of pledging the honour of this country to reſtore the unfortunate emigrants to their property, until I had well weighed the ſubject, and had diſcovered that the pledge would probably not be forfeited. Having thus ſhewn that the proſpect of the war throws the proſpect of peace at a diſtance, I ſhall enter into a conſideration of the operations of the war while it laſts. I am ſure that no one feels more ſenſibly than I do the ſufferings of the people of France and of Europe. When we hear of the maſſacres of individuals, in ſuch numbers that the memory cannot even recollect the names; when we contemplate the ſlaughters at Lyons, Marſeilles, Bourdeaux, and Toulon, I am afraid that the effect will be injurious to the morals of all Europe. I am not of the ſame opinion, Sir, with that ſtoic philoſopher, who maintained that ſympathy and ſoftneſs of heart injured the cauſe of virtue. On the contrary, I believe that they do more good to virtue than the wiſeſt precepts of the wiſeſt men. There are, I conceive, only two means of putting a period to the preſent calamities. Firſt, by accelerating peace, which I hope and believe will deſtroy that ſavageneſs which now diſgraces France and all Europe; and, ſecond, by publiſhing the objects of the war, which might alſo diminiſh that ferocity. If any one could wiſh to put a country in a ſituation in which it would loſe all humanity and mercy, I would recommend to that perſon to adopt the ſame mode of conduct as has been adopted towards France. For, Sir, if an individual be placed in a ſituation, in which, abandoned by the whole world, he finds that no one is his friend, and that no one is intereſted in his happineſs, he muſt become a miſanthrope and a ſavage, unleſs he poſſeſſes a mind more heroic than we have any right to expect. I would now aſk, whether we have accurately conſidered the extent of the promiſe to reſtore the ancient monarchy of France? Do we recollect, that at the commencement of the Revolution, the people were almoſt unanimouſly averſe to that Monarchy? I have heard, indeed, of men "ſitting and enjoying ſecurity under their own fig-tree;" but ſhall we find that ſecurity in the old Government of France? Could property be ſaid to be ſafe, unleſs indeed it were compared with the ſituation of property at preſent? I know it has been ſaid that the Government of France was "a mitigated abſolute Monarchy." Sir, I deny this from experience; I con-

tend that it was most fierce and barbarous. I do not mean to compare the situation of the people at that time with the situation of the inhabitants of Holland, of the United States, or of the happy Cantons of Switzerland. I mean to compare it with the situation of the people of Germany and Italy, and to contend that it was most lamentable indeed. In a former debate on this bill, I heard it asked, Whether if the emigrants were put to death, you would retaliate? I did also hear the reply of a solitary "yes." The wit that was used upon this reply, was, in my opinion, as ill timed as it was inapplicable. A great military authority said, that the calamitous effects which were apprehended would not be produced. I rejoiced at this assertion; but I believe that the gallant men under the Prince of Conde were all put to death. It has been asked, whether we ought, by the threats of the French, to be bullied out of those means which are in our power? Undoubtedly not; but let us be previously certain these means rest upon good grounds and a clear right. The opinion which I am about to state, is, like many other of my opinions, perhaps singular: it is, that war ought to be carried on as mercifully as possible, without any regard to persons. I cannot find this opinion either in books or in the practice of Europe. Let us look to our own history, and to times called good.—We have had, during this century, two rebellions. Did we then reverence this merciful maxim? Did we consider that the treason of every man was done away, by his having a commission from a foreign power?—No! Mr. Ratcliffe offered this plea, but it did not avail him: If the French were to land, and any body of men were to be so lost to all love of their country as to join them, would any one be pardoned who could produce a commission from the Convention? He would not. In the present question, if you determine not to retaliate, you put your own troops into a most calamitous situation; and if you do retaliate, Good God! in what horrors would Europe be involved! What has produced the merciful manner in which modern wars have been carried on? I do not wish to take from the effect of the mild Christian religion; but this merciful manner has resulted from the great difference between the objects of the ancient and modern wars: modern wars have generally had the acquisition of territory, or indemnification, for their object; but the wars of the ancients were wars of extermination. We all recollect the *Delenda Carthago* used in the Roman Senate. Athens conceived that it was proper to destroy the Government of Sparta, and the Persians were persuaded of the necessity of extirpating the Greeks. To these wars, the civil wars of modern times alone afford a parallel, because their objects were also to produce the de-

ſtruction of Governments; and this is the reaſon why they are leſs merciful and mild than wars waged between independent Sovereigns. The preſent conteſt with France is a civil conteſt, and force the acrimony and ſavageneſs with which it is carried on. It is not my intention to enter at length into the internal effects of this war, though it may be well worth conſidering, that the expence of all former wars will be inconſiderable when compared with the preſent. Of French principles, I believe that the prevalence in this country is not great. But they have produced a degree of timidity in ſome men's minds, and have rendered others callous. If they had not produced thoſe effects, if men had not been intimidated by the exceſſes of the French, and hardened by their enormities, the recent oppreſſive ſentences paſſed on individuals, (Meſſrs. Muir, Palmer, Gerald, Skirving, and Margarot) would not have been borne. Three years ago men would have reprobated ſuch enormous puniſhments, inflicted on thoſe poſſeſſed probably of good hearts, and whoſe offences ſo very nearly reſemble the virtues of other men. I think every event that has happened, affords the moſt afflicting and gloomy proſpect. When the end will be accompliſhed, God only knows; but I contend that we ought to accelerate the period of peace as much as poſſible, and to make the war as little bloody and ſavage as we can. Let us conſider too, that if we ſucceed in ſeating Louis XVII. on the throne, and a queſtion of indemnity ariſes, theſe French troops whom we have employed will then take part againſt us; for let us remember, that a ſpirit of patriotiſm, or, perhaps, nationality, has always been more prevalent in France than in any other country in Europe. But ſhould we fail in our attempts, and ſhould we be forced to return to the firſt abject of the war, what will be the conſequence? We ſhall be obliged to be the ſad ſpectators of the ruin we have occaſioned—to hear the emigrants reproach us with this expreſſion, "We depended on your promiſes, and you have deceived us; we relied on you with confidence, and you have thus prevented us from uſing any endeavour to make our peace with our own country!" We ſhall either be forced to caſt them to the wide world, or to burden the people of this country for their maintenance; a burden that will certainly be more heavy and leſs juſt than that inflicted in conſequence of the protection afforded to the Loyaliſts in the American war. For theſe reaſons, I muſt give my decided negative to the preſent bill.

Mr. DUNDAS prefaced his reply, with acknowledging his obligations to the right honourable gentleman, for his oppoſition to the bill in its preſent ſtage, becauſe this circumſtance had furniſhed him with an opportunity of ſtating, (and he would do ſo in the moſt

concife manner) his fentiments upon the meafure brought forward at this time. To every perfon who confidered the fubject with attention, it muft appear evident that the bill was grounded upon plain and obvious principles, and required indeed no other elucidation than a fimple appeal, firft, to the fources of the war, and next, to the actual ftate of the enemy. On a retrofpect of events, it muft be allowed, that Great Britain had been cautious in commencing hoftilities; and, indeed, did not commence them till felf-defence had rendered the meafure unavoidable. Great Britain, in common with the other Governments of Europe, beheld with a proper anxiety the firft progrefs of the French Revolution. This event, when it took place, was more properly a fubject for obfervation, originating in the duty of preferving our own Conftitution and dominions, than a matter of pofitive alarm, from the political innovations which had taken place in the interior of France. A fhort period, however, had only elapfed, when what at firft appeared to be a partial change from the ancient monarcy affumed an afpect fo formidable to neighbouring nations, that every man of a fober and deliberating mind took an alarm. It was not now a limitation of the ancient monarchical form of Government, but a confpiracy of the moft profligate and ignorant people in that nation, againft all the principles of fociety and religion, againft all property, landed or commercial; and this confpiracy, too, formed in the center of Europe, and threatening, in profpect, the fubverfion of every neighbouring Government; a confpiracy made up of men, equally deftitute of principles and of property, who had every thing to gain and nothing to lofe by a general convulfion in Europe. His Majefty's Minifters wifhed for nothing more than a fair retrofpect of their conduct in this crifis. On the one hand, they had to contemplate the rapid profperity of the Britifh Empire, the flourifhing ftate of our revenues, and the daily increafing extent of our manufactures and commerce; on the other hand, they had before them the devaftations, external and internal, with which the French Anarchifts were threatening Europe. If it was the duty of the King's Minifters to preferve the Empire in its exifting profperity, it was not lefs their duty to prepare themfelves againft the approaches of the evils which threatened us. Hence they were induced to paufe and to obferve. They were determined to avoid hoftilities, unlefs the fafety of our allies and our internal fecurity rendered it impoffible. The period of hefitation in which this political caution could be exercifed was indeed but fhort. The French declaration of war againft us terminated it; a war not declared with the common forms of civilized nations, not proceeding upon any violation of exifting

treaties on our part, not even with pretended circumſtances of aggreſſion by us, but with the avowed purpoſe of carrying their newly-created Conſtitution, and the anarchy and devaſtation upon which it reſted, over all the kingdoms and ſtates of poliſhed Europe; a war, in fine, accompanied with ſymptoms, on their part, of malignity and madneſs, dangerous to individuals, and deſtructive to ſtates. Such was the fact at the declaration of the war, an event which ought to have terminated all difference of opinion in this country, ſince every thing the Britiſh nation held valuable, life, property, honour, Conſtitution, and national reſources, were at ſtake. It had been matter of ſurpriſe, therefore, ſince that period, to find that one man could exiſt, who pretended to candour, to common ſenſe, or to reputation, who could either juſtify our enemies, or have a ſecond opinion on the ſubject, whatever he might have thought previous to that event. Mr. Dundas admitted, that the French affairs at the beginning of the revolution, bore ſuch an aſpect, that differences of opinion reſpecting them prevailed, it was reſerved for the illuminated and comprehenſive mind of Mr. Burke alone to foreſee what muſt be its fatal and neceſſary conſequences: he had even then, in his ſtrictures upon the ſubject, and when the tide of opinion and of prejudice ran againſt him, pointed out, with a diſcernment almoſt approaching to preſcience, the calamitous conſequences which have ſince enſued. If theſe ſtrictures were termed the phantoms of an over-heated imagination, time, which weighs events in the balance of truth, and does juſtice to all men, has ſtamped his predictions, and verified them by events. No man will now be hardy enough to deny, that the prophecy has not been juſtified by the fact. Has not the monſtrous ſyſtem of the French Convention threatened, like a torrent, to ſweep before it all the kingdoms of Europe? Did not the principle, upon which it avowed to act, lead to aggreſſions againſt our allies and againſt ourſelves? Did not the conduct of the Convention manifeſt, that when they ſhould have conquered and plundered our allies, their hordes were to bring their polttics and contributions into Britain? Did not they baniſh all perſons reſpectable for rank, for fortune, for virtue, or for religion; and when ſuch characters ſought an Aſylum in Britain, would it have been conſiſtent with the beneficence and liberality of this nation, to have refuſed it? No; theſe unfortunate and diſtinguiſhed men ſought our protection, and they found it. Mr. Dundas next adverted to the reaſonings of thoſe gentlemen who had attempted to ſhew, that the war was unjuſt and unneceſſary. Already the anſwers given to them had been full and concluſive; and he would, therefore, content himſelf with remarking, that the arguments of

opposition were inconsistent with themselves. At one time, they professed and promised to support the war, though they pronounced it to be unjust and unnecessary; and, at other times (indeed in every instance) they opposed the measures adopted by the Executive Government for accomplishing the very ends for which the war had been undertaken. The measure now under debate was a proof of this observation, for though brought forward in aid and support of the war, (a war which the general suffrages of the nation, and the almost unanimous voice of Parliament had sanctioned) yet the bill was pronounced to be improper in itself, though applicable to the very end which these gentlemen, by professing to support their country in its contest, had allowed to be necessary. Having thus adverted to the circumstances under which the war was undertaken, and to the necessity which compelled the British nation to become parties in it, Mr. Dundas took a review of the actual state of France, in its politics, and in its resources for carrying on hostilities. A faction, he observed, composed of the most worthless of men, governed that devoted country, and had for their supports the abandoned and most profligate of the populace. The power of this faction, it must be admitted, was upheld by the most precarious of tenures, the breath of the mob. The unanimity of France in support of the present Government had been much insisted upon; but he would venture to say, that there now appeared manifest symptoms, which indicated that numbers, in that devoted country, were adverse to it. That many of the French nation detested the present anarchy, under which they were suffering, required no other proof than the immense emigrations from that country; or if that should not be deemed sufficient evidence, an appeal might be made to the feelings of every humane, or honourable man, to pronounce, respecting the unbounded massacres and butchery under which millions had sunk, and respecting the absolute extinction of that security of person and property, of that justice, and that religion, which alone can attach rational men to any form of Government, or ensure the affiance of any community. From the nature, indeed, of the case, it must be evident, that multitudes of the French nation wanted only protection and support, to bring them forward to crush that Convention, under which these evils had become insupportable. Could any other consequence result from the innumerable massacres of those very savages upon each other, but jealousy, distrust, and rancour? If so, large bodies of the French people, hostile to such unparalleled tyranny, must be ready to fly to the arms we proposed putting into their hands, however they may have been hitherto compelled, by fear, to conceal their real feelings and wishes. If then,

faid Mr. Dundas, fuch a Government, or rather fuch an ufurpation, as that in France, be inconfiftent with the fafety, or lafting fecurity of other Governments, the legitimate and neceffary object of the war muft be, the extinction of this monftrous fyftem. What meafure was fo likely to produce this end, as making ufe of the means which were the moft clofely connected with the object? None. Thefe means were, to employ great bodies of the unfortunate fufferers, of different ranks, who had been driven from their country, from their families, and from their property, and reduced to the laft extremity, as principals, as well as auxiliaries, in reftoring the peace of Europe. When collected into bodies, fuch men would erect the ftandard of exiled religion, oppreffed virtue, and expatriated loyalty. For thefe purpofes they now called upon the Britifh nation to give them arms. Men of this defcription muft have the fame object that we have. He defired (as all good men muft do) to fee a regular Government eftablifhed in France; and the prefent bill was one of the means, the beft calculated for this object. His hope was, that by the proper ufe of this plan, peace, would be reftored to this country, and fecurity to Europe. Mr. Dundas from thefe confiderations profeffed himfelf a friend to the war, and he confidered the prefent bill, as one of the meafures that would contribute to its fuccefs, as well as to its object, a folid and honourable peace. Unlefs we overthrow the prefent fyftem of French politics, we neither could hope for peace, nor obtain fecurity. That fecurity which the honourable gentleman had augured from our infular fituation, and from the loyalty and valour of the Britifh nation, no man was more forward to fubfcribe to, than himfelf: but infulated as we were, and loyal and brave as our people might be, if hordes of fanguinary Tartars were fuffered to collect in the heart of Europe; if every feeling of juftice and religion were allowed to be extinguifhed; if the principles of anarchy were permitted to be propagated by fire and fword; if all property were to be trampled under foot; if acts of murder were to be meafured by the conveniency of the murderer, and all the nations on the Continent to bow under the iron rod of this murderer, he believed that the right honourable gentleman would hardly contend, that Great Britain and Ireland could hope for fafety, fecurity, or peace. Defirable, however, as peace was, heartily as he might wifh for its eftablifhment, and ready as he had been to liften to the reafonings of his opponent; yet he now called on the Houfe to fay, whether thefe reafonings had been either founded on events, or conclufive in the confequences drawn from them. The right honourable gentleman (Mr. Fox) had reforted to the opinions of the writers on the

laws of nations, and asserted, that it is laid down by them, as a principle, that one nation has not a right to interfere in the internal administration of another, or to attempt the subversion of its Government. Mr. Fox could not lately have perused these authors, or at least, he had not examined them with his usual accuracy and attention, or he would have discovered, (Mr. Dundas would, from recollection, venture to assert) that the principle, upon which he rested the whole of his argument, was not to be found in any one of their works. On the contrary, it was laid down by Vatell, the right honourable Reasoner's favourite author, and by the authors whom Vatell must, from the spirit of his work, have consulted, to be a maxim of justice and of prudence, that the Government of one country may interfere with, and subvert that of another, under certain circumstances; such as, self-preservation and security. This interference became itself a great and leading principle in the laws of nations, and one, to the observance of which, every state, as a duty to itself, was obligated. To this principle, all general maxims must be subservient. If the fact be, that the Government of France had been put into the hands of men, whom the right honourable gentleman himself had pronounced monsters, it was with Mr. Fox to say, what principle existed, which forbade our efforts to wrest power from men thus described. Exclusive, however, of this consideration, it would be found, that wherever the authors on the laws of nations touch upon this subject, they set down their own reasonings as matters of mere speculative policy, and apply their arguments to internal discords among any people, in time of peace, but, on no occasion, to nations in a state of war. No man could be so ridiculous as to assert, that it is not the duty of a nation, which has experienced an aggression, to use every possible means to obtain redress, or, in plain words, to overcome and destroy that power with which they are at war; especially when it is a power, which, besides open aggression, has been insidiously attempting to excite rebellion in a country with which it was at peace: of this description is the present Government of France. Mr. Dundas next adverted to the present circumstances of the war. We were forced into hostilities against France, which, if the ancient Government had existed, or indeed if any but the present usurpation had existed, there would not, in all probability, have been any danger. Under such circumstances, was it for Ministry to sit down in their closets and reason on the speculative question, whether they ought to interfere, and endeavour to overturn the usurpation? No. They had to consider the enemy, as an enemy of the most new and worst description; and to devise means, either to bring him to reason, or to

ruin. Mr. Dundas next adverted to the obſervations of Mr. Fox on the calamities of retaliation, a ſubject, on which he had dwelt with much plauſibility; a ſubject, however, to which, he truſted, the Houſe would not ſuppoſe him leſs alive than the right honourable gentleman. From this topic, however, he would refrain, not becauſe he was leſs adverſe to every calamitous conſequence of retaliation, but becauſe he conſidered every thing that might or could be ſaid upon the ſubject, under the preſent circumſtances, to be injudicious and imprudent. Generals, who for humanity and wiſdom have been inferior to no one who has yet lived, have found it neceſſary, in the field of battle, to ſtop cruelty by retaliation. No General, however, and indeed no author, has as yet attempted, in practice or in theory, to reduce retaliation to defined or general principles. An officer found the taſk ſevere enough, when he was compelled to have recourſe to this laſt extremity with an unprincipled foe, but he did not think it his duty to ſpeculate on the ſubject. As right and wiſdom, ſo humanity and neceſſity may be ſometimes at variance. Humanity at one time may call upon wiſdom to refrain from retaliation, at another, to exerciſe it: right may at one time juſtify this ſeverity, when generoſity ſcorns to uſe that right. Every thing on this ſubject depends upon circumſtances, ſuch as the conduct and character of an enemy, whether he be poliſhed or ſavage, honourable or unprincipled; and it was as abſurd, as it was abominable, to ſeek, in the midſt of a war with ſavages, like that into which we were driven, for diſcuſſions on the ſubject. If, Mr. Dundas obſerved, the conqueror of a province ſent the people coercively into war, he might be termed a ſavage; but the preſent caſe was the reverſe, it was that of men, who had been driven from their property, on whoſe lives a price had been ſet, who, when taken priſoners, were butchered; it was that of men ſeeking the protection of this country to get back their property, their ranks, their friends, (and if they had eſcaped the knife of the aſſaſſins) their famiſies, of whom they had been bereft. Such were the men who were calling for arms from Britain, and it was theirs to conſider the probable effects of retaliation. They had weighed them, and ſaid, "Shall we try the fortune of war, and hazard retaliation? Shall we join England who is fighting our cauſe, and endeavouring to reſtore to us our all? Or ſhall we ſpin out a wretched and diſhonourable exiſtence, or die in famine, outcaſts, from our country, traitors to our King, and apoſtates to our religion?" Can any man, viewing theſe facts and this ſituation, accuſe this Government of uſing compulſion? Have not the emigrants had the whole of the proſpect, and the whole of the riſk, before them? They have taken their reſo-

lution, and no man can deny the wisdom of their choice. Could men of feeling or magnanimity act otherwise? It has been asserted, that this measure would tend to prolong the war. Mr. Dundas admitted, that the magnitude of the conquests which we had made in the East and West Indies had not the same effect on the councils of the usurpers, as conquests in France might have; but he maintained, that our distant conquests would accelerate the issue of the war, because the resources of the enemy depended in some measure on their colonial possessions. In this proportion our success, in these quarters, would diminish the power of the enemy to carry on the war, and therefore facilitate the grand object of it, an honourable peace. The whole subject resolved itself into this simple question: "Could we hope for security or peace, without a total change in the Government of France?" Certainly not, for if we could at this time conclude a peace, by keeping the conquests we had acquired, yet with so great a country, powerful from internal resources, from soil, climate, population, and situation, as France was, we had only to expect a renewal of the war, if we suffered the present Government to remain; a Government raised up by treachery, violence, and usurpation; a Government supported by fraud, confiscations, and plunder; a Government directing its views beyond the wilderness of imagination, resembling only the fury of fiends, or the malice and cunning of the enemy of mankind, and executing its schemes, by forcing the husbandman, manufacturer, and merchant, to become common soldiers. It was as impracticable to negociate as absurd to make peace. If such a Government remain in the center of Europe, other countries in vain will hope to live in safety; and on this, if no other ground existed, on which to rest his argument, he would venture to place his defence of the present measure. Mr. Dundas next contrasted the present argument of Mr. Fox with his severe censures on Government, in the last and beginning of the present session, for not having afforded the Loyalists of La Vandee a proper support. The strictures were erroneous, because they were not founded on the events which prevented the assistance being given. It would be most readily allowed, that the assistance ought to have been given, if it had been practicable to give it; but if it would have been unwise to have risked our national force and honour, in support of the scattered bands in La Vandee, it would be wise to take into our pay a body of men, who were animated with principles like our own, who were to be fully appointed and provided, before they took the field, who were to be led on by officers, not only eminent for honour and military skill, but revered in their own country for the

laurels with which they had adorned the Crown of France, and who are, in fine, animated by the ſame enthuſiaſm as thoſe of La Vandee, but an enthuſiaſm diametrically oppoſite to the mad rage of Sans Culottes and Jacobins, becauſe directed by religion, by true patriotiſm, and by ſteady loyalty. An army of this kind muſt not only be equal to prodigies, but muſt increaſe in numbers, as it advanced. An honourable gentleman had mentioned 500,000 ſuch men; Mr. Dundas would rejoice, that they were ſo many. The ſame gentleman had next queſtioned our ability to find reſources for this number, but a much ſmaller number would ſoon be able to render aid from us unneceſſary; for they would acquire their own rights and privileges, and terminate the calamities of their country. It had been ſaid, why was not this meaſure adopted ſooner? On this ſubject, Mr. Dundas was ready to allow, that if Adminiſtration had been apparently remiſs, the blame proceeded from the courſe of events. After the affair at Toulon, the French fully ſaw their own calamities, and large bodies of that unfortunate and expatriated people now called for arms, and prayed us to employ France againſt France, to ſave her, and to preſerve the liberties of Europe. It had been ſaid, that the war againſt France had tended to harden the finer feelings of humanity. He would allow, that an inſenſibility of the moſt horrid kind had prevailed in that country, and he was ſorry to ſay, in England, in part; ſince that which would once have been heard with conſternation, was now read with apathy, as the news of the day. There was this difference, however, between the two countries; in the one, men had become habitually cruel; in the other, men turned away from the recital of events, which excited only diſguſt and horror. Would the right honourable gentleman ſay, that we ought not to arm Frenchmen againſt the authors of this inſenſibility in their own country, or that we ought to familiariſe ourſelves to ſuch horrors? It is not the war, but the authors of the war, who have wrought this change in France. The preſent rulers of that devoted people have done it, and if power is to be placed in any country in the hands of a lawleſs mob, there is no barrier in nature to entrench us againſt the like calamities. It is not the war which has occaſioned theſe evils on the Continent; they had begun in France, and were at a height unknown in the annals of man, before the war commenced. Mr. Dundas, with manly feeling, and in language which ſtrongly pictured that feeling to be guided by judgement, concluded with combating the juſtification which had been attempted of the Scottiſh ſeditioniſts, Palmer and Muir. "Open, (ſaid he,) your ſtatute book, and read what are the crimes to which the puniſhment of death is annexed; compare the crime

of an unfortunate wretch who steals a cheese, with the crime of him who conspires to instil into the minds of the people of Great Britain a hatred for our mild laws and happy Constitution, and a love for the anarchy and butchery of France. Where is the humanity of those gentlemen, who can silently acquiesce in the punishment of death being inflicted on the former, compelled, perhaps, to offend the law, by the clamors for bread of a famishing wife and children: and the crime of the latter, who could have no motive, no excuse for their crimes, but their vicious desire of obtaining power, by overturning the British Constitution, and burying the people in its ruins?"

Mr. BURKE said, The right honourable gentleman, (Mr. Fox) in making the panegyric of humanity, has not forgotten to claim for himself a full share of that virtue, at the same time that he has thought proper to detract from the portion of it which I may possess. That humanity is highly praiseworthy, and that he possesses much of that good quality, is certainly true; yet this formal panegyric, on an occasion so little adapted, wears a good deal the appearance of what the ancients would have called *ambitiosa ornamenta*. It has no discernible use; for, in fact, it only asserts that which every one admits, and which has never yet in this House been called in question. This proceeding reminds me a good deal of the saying of an old Lacedemonian, a sour, surly sort of a fellow, who, when they were praising Hercules, said, "Pray, who blames him?"—So, in like manner, it might be asked of the right honourable gentleman (Mr. Fox) "What Member in that House blamed humanity?" The mode of reasoning pursued by the right honourable gentleman was undoubtedly, in that instance, repugnant to the rules of rhetoric, nay, diametrically opposite to the principles of eloquence. There never was a subject upon which the right honourable gentleman could exercise his eloquence, and of that he had a most uncommon share, to so very little purpose, more especially in that House, as upon the subject of humanity; for every Member in that House, to its praise be it spoken, was thoroughly acquainted with, and uniformly acted upon, the sentiments of humanity. The right honourable gentleman has therefore thrown away his breath upon the subject; but if the right honourable gentleman had preached his sermon on humanity in the Jacobin Club, or in the Club of the Cordeliers, no man would deny that it would not be remarkably opportune and extremely necessary at the present time. To them that were so abandoned might be said,

"*Discite Justitiam moniti, et non temnere Divos.*"

Whatever chance there was that so excellent a discourse might make some impression on the minds of the Jacobins, yet I have too great an esteem for the right honourable gentleman's talents, too great a reverence for his abilities, too great a regard for his humanity, too great a love for his generosity and good nature, too great an anxiety for the safety of his person, to entertain a wish that the right honourable gentleman should go in person among the Jacobins to preach his sermon upon humanity, and to apply it in any effectual way. Whatever merits, however, humanity may possess in theory, I am one of those who hold its practice in higher estimation, and am therefore led to measure the actions of the right honourable gentleman with his professions. He regards the state of the French emigrants with strong emotions of pity, and yet without any distinguished private assistance to them; he now comes forward to oppose the only public relief of a comprehensive and radical nature which can be suggested; from the abundance of his compassion, he "leaves them Providence's care." On this, and on some other occasions, I cannot but suppose him led astray by an unfortunate bias, or perhaps that desire of personal triumph which is so common to us all. To the objects of oppression he is prodigal of pity, yet penurious of relief; and to its authors, ready to condemn, yet unwilling to chastise. No stoic was ever in a state of more perfect neutrality to mankind, not even Zeno himself. I mean not, however, to cast any general imputation on the doctrines of that ancient sect which has produced many virtues, and will, I have no doubt, produce many more. Now as to the monosyllable *yes*, which I uttered on a former occasion, I have only to observe, that *yes*, in the old English, was called *ay*—

"Ay, ay, ay—a word more fatal thrice
"Than the Eye of death-doing Cockatrice."

The notice that has been taken of this, places me in a light of importance, to which, I am conscious, I can have no pretension.—This trite and oracular species of eloquence seems to have more effect than all the long harangues I ever delivered; and I should, perhaps, do well in future to forbear my usual mode, and confine myself to this short and sententious style. From the severity of comment to which the poor monosyllable has been subject, the world must have been led to think that I have taken up my morals at random, or merely on sentiment, and that I was totally unprepared to defend them on principle. In the first place, however, it must not be forgotten, that what I said came from an individual, having no participation in His Majesty's Councils, and of course carried with

it no Ministerial authority, though it has all along been treated in a light directly the reverse. As a general principle, founded on policy and the law of nations, I am ready to repeat, and maintain, that retaliation of any severity which an enemy may practise, is right and proper. I know full well that the application of this principle to any case which may occur in practice, will depend on circumstances. A question of policy will then arise, which must be determined by prudence, the essential constituent and regulator of all virtue. This practical restriction has, however, nothing to do with the general principle. The *lex talionis* is a part of the law of nations, as founded on that of nature; when, therefore, any infraction of that law takes place, retaliation is the punishment provided, and the infliction of it is essential to humanity, as well as justice. The distinction between rebel and enemy is a subtlety which will not apply, as the National Convention affords no protection to its miserable subjects, and has forfeited all pretension to allegiance. From its own principles, and its own conduct, it has destroyed all rights of Sovereignty. These corps must therefore be regarded purely as a part of that army under whose banners they serve. As to the policy, in a more general view, what can be more manifest, than that every system of fear will invite the evil it means to deprecate; whereas if those who violate the law and practice of nations, find that the evil of that infraction will fall in common on themselves, they will be induced to refrain and desist. Locke is of the same opinion relative to the *lex talionis*; and though I do not subscribe to all which he has advanced, his authority is on every subject of great weight.— God forbid that the authors of murder should not find it recoil on their own heads. Such is my opinion relative to the justice and policy of retaliation. I should not scruple, if I were so far honoured as to be consulted by any part of the allies, to declare that they were bound alike by honour, duty, and interest, not to suffer any one act of severity to pass unretaliated. It is a call of justice, and as such an integral of humanity, without which man would cease to be a beautiful part of the general community of the world. Justice is the ground-work of which humanity is the superstructure, and cannot subsist without it. A vain ostentatious display of that virtue may, indeed, be made, as has been done for the last thirty years in France, but I have no doubt that all the horrors which have taken place in that country, may in a great measure be traced to that very source, namely, affected humanity, devoid of justice. But the right honourable gentleman is fearful we may inflame the Jacobins by this severity on our part. Inflame a Jacobin!! You may as well talk of setting fire to hell. Impossible! The measure of their rage and

iniquity overflows, and cannot be increased. Friend and foe, Royalist and Republican, all fall beneath the savage havoc of that club, and its worthy coadjutor, the Cordeliers; nor are the members of either secure from the other, or even itself. Jacobin slaughters Cordelier, Cordelier butchers Jacobin, and, at times, each inverts the murderous knife into its own bosom.

> " High-crested tyranny sweeps on,
> " Till each man falls by lottery."

For the deplorable, for the lamentable, situation of France, no man feels more than I do. For myself I may be indulged to say,

> " *Non ignara mali, miseres succurrere disco.*"

> " No stranger to misfortune, I have learned to feel for the distressed."

Whatever is said of the tyranny of Princes, sure I am, that an attentive observer of history will discover, that their practice is more lenient than the mildest doctrine of theorists. These have only to struggle between their pen and their paper, Princes wrestle with the warm sympathies of nature. To the honour of practical humanity, only four instances of wanton and unnecessary murder occurred throughout the whole course of the American war; a forbearance which reflects equal credit to both parties. In the history of Princes some instances of unnecessary severity may be found, but their general practice is just and merciful. I, for instance, think that Cameron and Radcliff, in the later periods of our own history, should not have been executed. In 1688, the Irish brigades were taken into the service of France, and retained their own uniform, yet this country, though often courageously opposed by these troops, has not, in any instance treated them as rebels when the fortune of war cast them into our power. In the rebellion of 1746, a whole regiment of them were taken, but no severity was practised. France herself, under Louis XIV. conducted herself in the same way. Many of her regiments, after the cruel and impolitic revocation of the Edict of Nantes, were taken into the pay of Prussia, Holland, and Great Britain, yet she never sacrificed these troops when they became prisoners. The battle of Fontenoy was gained principally from the exertion of the Irish brigade, and though they fought against us in an open and direct rebellion, these extremeties were not thought of. Lord Ligonier, an officer of great note in our service, was a Frenchman by birth, and when taken prisoner fighting against France, was exchanged in the usual course for an

officer of the ſame rank. The old humanity of Princes therefore when fairly examined, need not ſhun any compariſon with the new-born republican tenderneſs of modern times, which has been boaſted of with ſuch inſulting triumph and inſidious detraction. Fact is the mortal enemy of declamation, as analyſis is of rhetoric, and perhaps from ſome decay of imagination likewiſe, I feel myſelf much inclined to avail myſelf of theſe advantages on this occaſion. The ſame inſtances of mercy and forbearance may be collected from the conduct of Germany, Sweden, and every other power in Europe. As to Germany, it is impoſſible not to recall the late caſes of inſurrection in the Netherlands, both of which were ſubdued by the main force of armies; yet what is the conſequence, a general amneſty, and the voluntary eſtabliſhment of thoſe articles for which the people of that country contended. In Sweden too, how was the late murder of her King, and foul conſpiracy againſt her Government puniſhed? Was it in a manner which reſembled the merciful judgements of the Revolutionary Tribunal? Mankind, therefore, has been better uſed by its rulers, than moſt people, judging only from theory, can imagine, and in fact, never experienced a pure and mercileſs tyranny before the Jacobin authority of France; and I muſt repeat what I have before ſaid, that if every inſtance of oppreſſion, injuſtice, and cruelty, throughout Europe for 100 years were collected together, the ſum total would fall infinitely ſhort of the ſame inſtances of tyranny which have occurred in any one week ſince the revolution of France. A general combination againſt a country, though not concluſive evidence, is a very ſtrong preſumption of its meriting the enmity which it has excited, and it may be uſeful to remind the Houſe, that theſe combinations are not unknown to Europe. What other was the league of Cambray againſt Venice, or the confederacy againſt Louis XIV. Yet did theſe countries act as France now does? Did they talk of raiſing corps of aſſaſſins for their enemies, or of ſubverting or deſtroying every eſtabliſhment in Europe? Did they maſſacre Generals and Miniſters? On the contrary, it may be ſhown they became more moderate and merciful. In this country, when a man expoſes his head in the pillory, he loſes all pretenſion to credit; not ſo, however, when he expoſes it at Paris in the guillotine; his credit remains, the head is all that is loſt. A very ſtout Republican, one Lanjannay, whoſe republicaniſm could not, however, ſave his head from the democratic guillotine, has made a written declaration of ſome facts, which, as a member of the Convention, and a municipal officer of the city of Paris, he had particular opportunities of knowing.

1. That since the revolution no murder or pillage has been committed, in any one instance, but what was previously planned and agreed to by the reigning powers at Paris.

2. With respect to the dreadful carnage of September, 1792, it was settled by the five leading men of that day. That lists of proscribed people were previously handed about, in which the names of each person to be murdered was set down, and that the assassins employed received 100 sous a head for every object they dispatched, which, in two days only of that massacre, amounted to the dreadful number of 8000 people. The terrific 14th of July, the deaths of Foulon and Berthier, all proceeded from the same arrangement and plan, which distinguishes the more settled progress of this mild and beneficent revolution. As the humanity of Princes bear no comparison to the excesses of licentious anarchy, neither does their justice. To advert to the much-abused ancient Government of France. Throughout the whole of Louis the XVIth's reign, I defy any one to produce me an instance of injustice, or the violation of private right. The only thing approaching to it was in a case between the Crown and Corporation of Bourdeaux, on a question of allusion relative to some land on the river Loire. This was seized on by the Ministers as the property of the Crown; on an application, however, to the King in Council from the Corporation of Bourdeaux, he, himself, Louis XVI. after hearing the case, proposed, with his own voice, in Council, to return the land, which was accordingly done. Mirabeau, the inveterate enemy of the Parliaments, owned, that their justice was without stain or suspicion, and before their power the antient aristocracy itself trembled. As to the progress and event of this mighty contest,

> "It is not for me this dark abyss to tread,
> "And read the book which angels cannot read."

But I shall regard with great anxiety and dread, every event which gives strength to the power of France, and shall endeavour to oppose every attempt to justify and excuse the monstrous enormities which she has committed. These attempts at least tend to diminish the natural horror and indignation which is common to every well-disposed mind in contemplating the events that have lately happened there. What we excuse, we are soon led to justify; what we justify, to admire; what we admire, to imitate. It has been said that they always sought an union with this country, and that they would now readily listen to any overtures of peace. I believe it; but then it must be on the terms of receiving their principles, and being exposed to their machinations. They say, "Let

me fraternize you, and conquer Europe." On those terms, and those only, can any compromise take place. No uncertainty of future events or present evil can therefore be brought in comparison with this worst of all evils, rapid, unlimited, and irremediable. As to the Scheldt being the object of the war, or any regulation concerning that river, you may as well talk of a chamber-pot being the object. It is to resist and destroy the savage power of a desperate gang of plunderers, murderers, tyrants, and atheists, with whom a state of war is a state of comparative respite and security. To treat with them is impossible. No one in France can answer for his head to-morrow. An idea of permanent authority is completely ridiculous. Each faction represents so many *Ombres Chinois* who after dancing a while before our eyes, pass away in quick succession, and are heard of no more. This cunning and malignant enemy makes war on principles, desperate and unknown; she must therefore be opposed by vigorous and unprecedented measures, strong and comprehensive like the present. One of their plans has been to liberate at once all the blacks in the West Indies, and this not with a view of disseminating liberty, but of reducing into one common ruin our islands and their own. These horrid plans of desolation call for measures of the most speedy and vigorous counteraction; and if a war of destruction and extermination takes place, it is they that have caused it. All distinction between offensive and defensive operations is destroyed. Their power must perish or Europe cannot be safe. For these desperate attempts, unfortunately they have found new and efficacious means of perpetration, the power of terror on the human mind was never completely known before, they have made it substitute or produce every quality they sought for, and thereby have gained possession of all the energies of which our nature is susceptible. It has been said, their excesses have arisen from being goaded to fury by the combination against them. Did the former combinations in Europe against particular states produce this desperation? No. This apology for their savage excesses, is only to be found in English writings and speeches, and is brought forward as the last resort of argument. In fact, however, their crimes and outrages spring directly from their principles, and had existence long previous to the war—[a voice exclaimed "with this country."] I say previous to the war with any country, they had degenerated into savages, and had excited the universal detestation of mankind by their own principles and spontaneous acts of ferocity. In the preceding history of Europe, no instance can be given of a general combination against liberty. Man seeking relief from oppression, and really struggling for liberty, is an object of irresistible

compassion to all mankind, and even excites a sympathy in tyrants themselves. I therefore must declare, that I rejoice in the proposed plan of arming France against France, and most heartily approve of the principles on which it is maintained. The war must no longer be confined to the vain attempt of raising a barrier to the lawless and savage power of France, but must be directed to the only rational end it can pursue—namely, the entire destruction of the desperate horde which gave it birth.

Mr. FOX said, he had merely argued, that if, as had always been admitted, our compassion for the emigrants was not the cause of going to war, then it was wrong to employ them in any cause of ours distinct from their own. He had not maintained the right, but that it was the general practice to treat such men as rebels. Of all arbitrary governments, for he never thought of comparing it with any free government, the old government of France was the most oppressive to the lower classes of people. He had said that the combination against the French was the cause of many of their crimes, but if he was supposed to state that as an apology for them, he was misunderstood.

Mr. BURKE said, he knew that nothing could be farther from the intention of the right honourable gentleman; he had only considered what would be the effect of his argument. He was convinced in his mind the right honourable Member abominated the transactions now mentioned; but he was apprehensive his remarks, as stated, might make a wrong impression on those who heard him.

Mr. SHERIDAN said, that there was one circumstance, and one assertion, in which he believed he should be joined by the majority of the House, which was, that the disqualifying sentence passed by the right honourable gentleman (Mr. Burke) upon himself, was altogether unfounded; for he never heard the honourable gentleman display more talents, more variety, or more eloquence, than on the present occasion; and he shewed by no means any appearance of declining faculties or powers in the wane, except when the right honourable gentleman found it convenient, for the sake of argument, to lose his memory. But though confessing his splendid talents, he could not grant to the right honourable gentleman one quality which he assumed to himself, that of being a plain matter of fact man; for he certainly had never heard a more varied fancy, or splendid imagination displayed, or greater arts exercised to inflame the mind or mislead the reason. Humanity had been dwelt very much upon by the right honourable gentleman, and, was he not convinced to the contrary, he should consider him as displaying an instance of the total want of it, from the levity with which he spoke

at all times when any opportunity occurred, of the murders, maſſacres, and guillotines of a neighbouring country. He could not this night ſay it was a ſmile of indignation, for through the whole of his ſpeech, he was full of his jokes upon thoſe ſerious and calamitous ſubjects. But as to the enormities committed by the people of France, and which he by no means was deſirous to palliate, he only wiſhed to inquire how far theſe are to be attributed to the people themſelves, and how far to the ancient form of their Government. The right honourable gentleman has ſaid, that it was a ſtrong preſumption againſt any Government, when the generality of mankind riſe in arms againſt them; this poſition may be very true, but it is alſo a ſtrong preſumption againſt any form of Government that chances to be ſubverted by any ſudden revolution, when the people of that Government are found, as ſoon as their bands are broken, committing every ſpecies of violence and enormity, that the Government itſelf was a bad one; for whatever vice, whatever enormities are committed by this people, they could not have learned from the ſudden change of Government, they muſt have acquired under that Government where their principles muſt have been formed: if they were prone to deprive others of their property, it was becauſe they were accuſtomed to ſee but ſmall reſpect paid to property; if they were eager to ſpill innocent blood, it aroſe from their being accuſtomed to ſee the life of man made light of, and the human form diſregarded. The right honourable gentleman talks of the ſecurity under the ancient Government of France, when every man enjoyed himſelf in peace under his own vine and under his own fig-tree; ſurely the honourable gentleman cannot be ſerious in the aſſertion, he muſt ſurely have loſt all remembrance of what the ancient Government of France was. He is alſo laviſh in his praiſes of their Courts of Juſtice, which were notorious for their miſconduct and perverſion of right. Their clergy, at leaſt the higher orders of them, were profeſſed Atheiſts or Deiſts, and not a ſingle man in the whole country who affected any knowledge of the world, or pretended to common ſenſe, that would not conſider the opinion of the right honourable gentleman, with regard to their religion, an inſult to their underſtanding, rather than a compliment to their virtue; hence ſprung thoſe atheiſtical principles, this want of every virtue of which we complain. The right honourable gentleman has ſaid that they were wild beaſts before we attacked them, and that it was on account of their being ſo, that it was found expedient and neceſſary ſo to do. He wiſhed to know, if previous to the attack of the two moſt conſiderable of the combined powers, Pruſſia and Auſtria, they were the wild beaſts the right honourable gentleman had deſcribed? If ſo, why

did we not then attack them? Why rather boast of our partiality towards them, and express a wish to conciliate their friendship, and court their alliance, [Here a cry of "No! No!"] at least it must be granted that we endeavoured to conciliate them so far as to preserve peace with them, and were on every occasion, boastful of our observance of neutrality.

The right honourable gentleman also expressed a wish for a powerful army to break through the crust of the iron frontier of that country, and to make the French emigrants the point of that wedge; to be sure it was putting those gentlemen in the most dangerous post, but he had no doubt but that their high sense of honour would make them anxious to fill it. But are we certain of success from this measure, supposing we could even raise an army of two or three hundred thousand men? For notwithstanding the idea of the right honourable gentleman (Mr. Dundas) that if he could once muster such an army, it would maintain itself, he believed it would not be found so easy a matter to effect, for probably it would but induce the people to rise in large bodies, and form a more considerable mass to oppose this formidable army; and it is a well-known fact, that in La Vandee there was at one period 200,000 men in actual rebellion—but even that number, formidable as it was, the Convention found means to suppress. He wished to call to the right honourable gentleman's recollection, though he was convinced his memory was wholly unimpaired, except when forgetfulness might be attended with convenience, that in the case of America this idea was held forth to the public, that the majority of the people there were really averse to the ruling power, and that they wanted nothing but encouragement to induce them to declare themselves; but this proved but a vain and delusive hope, and such would be the event of the present measure, and the present expectations held out to the public. The small word *(yes)* which the right honourable gentleman affected to treat with so much levity, and upon which he unnecessarily displayed so much wit and humour, went to convey an approbation of a system of retaliation which was not a proper subject of mirth. But after all the right honourable Member has been pleased to advance on the subject, it is impossible to say whether that system is to be adopted; it is but right, not for the information of an individual merely, but for the information of those persons to be employed under the bill. A certain noble Lord (Mulgrave) high in the service of His Majesty, and as he supposed, enjoying the confidence of His Majesty's Ministers, had declared, that, in his opinion, the system of retaliation was to be adopted; and he supposed he did not say this without the approbation of those with whom he

acted; but at the same time, he wished for an explicit declaration upon the subject. The savage nature of the French, their unexampled ferocity, had been expatiated upon much at large; but, he believed, with regard to their treatment of their prisoners, they acted on humane and honourable principles; he wished to know from the noble Lord if the fact was so or not. [*His Lordship nodded assent.*] The right honourable gentleman had quoted a variety of precedents with respect to the doctrine of retaliation as to its practice; and in each of these precedents, except with regard to America, he had completely failed. The first is the conduct of the English with regard to the Irish regiments in the French service in the year 1745, a space of near 60 years, when they took some of them prisoners; but it was not very probable that many of those who left Ireland in 1688, returned to invade England in 1745; but even in this he makes an exception with respect to some who were engaged in a plan to subvert the Government of this country, who were punished; which will be exactly the situation of the persons to be employed under the present bill. The next precedent was the conduct of the French to Lord Ligonier, when taken prisoner, who was one of the French Refugees banished from France by the revocation of the Edict of Nantz, (which was in itself one of the most cruel and barbarous actions that ever disgraced history) in the year 1682, and he was taken prisoner in the year 1747, a period of sixty-five years; so that the probability is, that it was the father of his Lordship who was a refugee, or at least that his Lordship must have been but a child in arms at the time. But what was the object of this war, to subvert the existing Government of France, or to destroy the ruling powers there; and therefore it is possible that such of the subjects of France as are taken in arms for this purpose, will be treated as rebels. Those frantic, furious, and murderous dispositions which the French have discovered, were not shewn, says the right honourable gentleman (Mr. Burke) by Louis XIV. when all Europe united against him, nor by the Venetians when the League of Cambray was formed; for this plain and obvious reason, there was no intention to destroy Louis XIV. or his Government, or to subvert the established form of Government of Venice; but in the present case, our avowed object is the subversion of the existing power of France, and those who bear rule there. In the early part of his speech, the right honourable gentleman (Mr. Burke) treated with much levity and ridicule, the humanity professed by my right honourable friend towards the emigrants. We afford compassion—we sympathise with them—but will not do any thing to restore them. The application of the principle of humanity to them is this,

not to hold out to them a promiſe of protection, which we may not afterwards be able to afford them. He called to the mind of the right honourable gentleman, the protection promiſed to the people of La Vandee, but never granted. He deſired him to recollect the promiſed protection of the Toulonese, whom we afterwards proved unequal to protect. He wiſhed alſo, if neceſſary, to refreſh the memory of the right honourable gentleman (Mr. Burke) on the ſubject of holding out protection to the American Loyaliſts; a principle againſt which the right honourable gentleman himſelf wrote, and ſpoke with infinite ability, and predicted what would be the conſequence of ſuch offered protection; predictions which were afterwards completely verified. Another right honourable Member (Mr. Dundas) had ſaid, that the queſtion he found moſt difficult to anſwer on this ſubject was, why the meaſure was not adopted before? The reaſon was, that the object of the war was not what it now is, the ſubverſion of the French Government. Or perhaps the right honourable gentleman might think it a more convenient ſeaſon when the inſurgents in La Vandee are ſuppreſſed; and that the French will have a ſtronger reliance on, and hope of ſecurity from, our promiſed protection, in conſequence of having witneſſed our faith to the Touloneſe. That right honourable gentleman ſpeaking of the mildneſs of our laws, aſks which is the greater crime, ſtealing a cheeſe out of a window, which an unfortunate man may do, either from an unfortunate propenſity, or from the preſſure of neceſſity; or that of endeavouring to excite ſedition, and infuſe diſcontent among His Majeſty's ſubjects? In this caſe the right honourable gentleman has done what he is often much diſpoſed to do, he aſſumes as a ground what is not fact, and reaſons from it afterwards. The perſons to whom he alludes, ſo far from being guilty, or convicted of the crimes which he imputes to them, have not even been charged with any ſuch offence. With regard to the preſent bill, he contended, that if it was paſſed in the form in which it then was, that the Houſe of Commons would no longer have exiſtence as a Houſe of Commons, becauſe they would abandon thoſe two great principles upon which their authority depends, the power of a check upon the Crown, by having an annual opportunity of diſbanding the army and the guardianſhip of the public purſe; that then they might have reaſon to conſole themſelves when they returned to their conſtituents and ſtated, that they had reſiged thoſe great privileges of which they had been appointed the guardians. He ſhewed that under the unlimited authority both as to the expence that may be incurred, and the number of troops which may be employed, the King, if he choſe, might not call a Parliament in the

next year; but this, he was sure, would be thought an extreme case, when gentlemen called to mind the virtues, integrity, and regard for the Constitution, which His Majesty's present advisers were known to possess. He earnestly besought the right honourable gentleman (Mr. Pitt) to consent to limit the duration of the bill to one year, as it could by no means impede the success of his object.

Lord MULGRAVE said, that being so particularly called upon by the honourable gentleman who spoke last, was the only reason that he had for entering at all into the debate that night. He must say, in answer to that honourable gentleman, that though he usually agreed with his right honourable friends near him, he certainly was not in their confidence with respect to what had been done at Toulon; what he had done there was merely what he conceived his duty dictated to him, and what he had said since his return, did not proceed from any particular confidence reposed in him by his right honourable friend, or those who had brought forward the discussion of that subject. He repeated what he had said on a former day respecting retaliation. As to what had been said of the affair at Toulon, as an experiment, the success of which, or disappointment attending the evacuation of it, he did not consider to be of so much consequence on the future operations of the war, as the honourable gentleman had stated it to be; but he begged leave to decline saying any thing about the plan or execution of that business. While he had the command of the British troops there, and the French who voluntarily flocked to their standard under the authority and invitation of His Majesty's proclamation, he had always considered the latter entitled in every respect to the same protection from him as the British troops. He said when Toulon was delivered to the British forces, the people there were then divided into two parties, those who acted under the authority of the Convention, and existing power in Paris, and the others who were for the restoration of the Constitution of 1789, and, above all, decidedly for monarchy. They were nearly equal in power and numbers, and had a sufficient force been there to aid the latter, he believed the experiment, as it had been called, would not have failed of success; that force indeed, from the measures that were taken, would soon have arrived; but it was to be recollected that the force of the French was daily increasing to a much greater degree. He would not say that the French army acting against Toulon were united in their sentiments; he believed it to be otherwise, and had reason to do so from the number of deserters who came in; many of these were merchants, and other people of consideration; and when they stated that a spirit of

revolt exifted in the French army, it became neceffary to afk them, " If that is the cafe, why do you not act with more energy? Why do not thofe who are diffatisfied unite in a body and come over to us at once, either in the night time, or any way they find it practicable? The anfwer was, that they were fo guarded and watched by fpies, that the two neareft neighbours who had been in terms of intimacy and friendfhip all their lives, had no opportunity of communicating their fentiments to one another, not of any fufpicions entertained of difaffection to the common caufe, but from a fear that there might be a want of firmnefs and fteadinefs in their conduct. With regard to the evacuation of Toulon, it was not for him, whatever knowledge he might poffefs on the fubject, to offer any vindication for thofe who had the conduct of that meafure: he could have wifhed that no harfh expreffions had been ufed refpecting it, particularly till thofe who were moft concerned were prefent to account for their conduct; and he was fure the honourable gentleman would be as much hurt as any man could be, were he to ufe any fuch expreffions, and afterwards find that they were not merited.—Recurring to the fubject of retaliation, he was not afraid of any bad confequence arifing from what he had ftated his opinions to be, and he certainly never meant to fay, that retaliation was to be ufed by foldiers without the exprefs command of their officer. As to the conduct of the French towards the prifoners they had taken, he agreed with the honourable gentleman, for he had never heard that any of them had been ill ufed, at the fame time he fhould be forry indeed if the conduct of the Britifh, upon a comparifon, had not far furpaffed, in humanity and generofity, any thing that the French or any other nation could boaft of.—To fhew how improbable it was that Britifh foldiers would ever act unbecomingly on fuch occafions, he wifhed the Houfe to be acquainted with the following very honourable tranfaction:—

During the grand attack which produced the evacuation of Toulon, the French, at the ftorming of Fort Mulgrave, difgraced their fucceffes by putting all the Britifh troops unmercifully to the fword. This naturally excited the utmoft refentment and indignation in the breafts of the Englifh, who, fince having occafion in their turn to ftorm a fort in Corfica, came to a ferious refolution of avenging the maffacre of their comrades, by abfolutely refufing quarter, in cafe they fhould be fuccefsful. They forced the French troops at the point of the bayonet; and, as foon as they found themfelves victors, they nobly relented from their fanguinary refolution. The Corficans, actuated by a lefs generous impulfe, were proceeding to the work of flaughter; but the generous Britons protected the proftrate

foe, by the entire interference of knocking down their own allies. He confessed, that, with the exception mentioned, he knew of no instance where the French conducted themselves with any inhumanity towards their British prisoners, and was in hopes that against so generous an adversary, they would be guilty of nothing which should call for severe retaliation.

The noble Lord not wishing to go into the other parts of the bill, concluded with a few remarks upon what had fallen from Mr. Sheridan, respecting the duration of the bill, which he thought could have no effect upon the enlisting of the emigrants; for though the Mutiny Bill was passed annually, yet all soldiers were enlisted for life, and not during the war, or for any specified time.

Mr. Secretary DUNDAS explained; he wished to avoid every thing like a disagreement with the noble Lord. Upon the subject of retaliation, what he had meant was, and he believed the noble Lord would agree with him, that retaliation on all occasions was to be used only as a discretionary power under the control of those who commanded.

Mr. W. SMITH said, that he must say a few words with respect to some assertions that had fallen in the course of the debate. The aspersions against the present rulers of France, on the score of irreligion, would seem to insinuate as if under the ancient system they had been a pious and moral people. He begged leave to tell a short anecdote, on the truth of which he could pledge himself.—In the house of a nobleman in France, where a number of dignitaries of the church were present, religion was brought on the table, and it turned out that a more unsavoury dish could not have been produced; for the Bishops to a man made it an object of ridicule, and the Englishman only spoke with respect of the gospel. The Irish Chaplain of a Peer who was present, advanced and embraced him, and assured him with tears in his eyes, that he was the only Christian in company. Of the courts of law under the old system of France, the profligacy and corruption were so notorious, as to make it unnecessary for him to say a word: nothing could be more deplorable or more oppressive. The right honourable gentleman (Mr. Burke) had said, that the great majority of the people under all Governments were *comparatively miserable*. In his mind this was a most shocking thing to say of human Governments, at least, in which there was much positive happiness. The people of Holland, where the population was infinitely greater than that of France, enjoyed the comforts of life.—The people of France under the old Government wanted even the necessaries. In regard to the present bill, he had suspected that he was guilty of exaggeration when he

faid that 100,000 men might be brought into the pay of this country, under its operation, but he now found that there might be even 500,000 men in our pay, and this without any other limitation than the duration of the war.

The queftion for the third reading of the bill was put, and paffed in the affirmative. The bill was read a third time and paffed.

Mr. BURKE brought up the Report of the Managers appointed to inquire into the caufes of the delay in the trial of Mr. Haftings, &c.

The Report, which was of confiderable bulk, was read a firft time *pro forma*, and ordered to lie upon the table.

Mr. BURKE then moved, that it be printed for the ufe of the Members.

The Mafter of the Rolls and Mr. Law oppofed the printing—Mr. Chancellor Pitt, Mr. Fox, Mr. Secretary Dundas, Mr. Sheridan, and others, were for it; the motion was at laft agreed to, and a fufficient number of copies for the ufe of the Members ordered to be printed. After which, the Houfe having difpofed of the remaining orders, adjourned to Monday fe'nnight.

Monday, 28th April.

Mr. Secretary DUNDAS acquainted the Houfe, that he had a Meffage from His Majefty to this Houfe, figned by His Majefty; he prefented the fame to the Houfe, which was read by the Speaker, and is as followeth, viz.

GEORGE R.

His Majefty has ordered copies of a Treaty, which has been figned at the Hague, by the Plenipotentiaries of His Majefty and the States General of the United Provinces on the one part, and by the Plenipotentiary of the King of Pruffia on the other part; and likewife of a convention agreed upon between the refpective Plenipotentiaries of His Majefty and the States General, to be laid before the Houfe: and His Majefty, relying on the zealous and affectionate fupport of his faithful Commons, in the vigorous profecution of the war in which he is engaged, recommends it to this Houfe to confider of making provifion towards enabling His Majefty to fulfill the engagements which His Majefty has entered into, as well as to defray any extraordinary expences which may be incurred for the fervice of the prefent year, and to take fuch meafures as the exigency of affairs may require.

G. R.

Resolved, That this House will, upon Wednesday morning next, resolve itself into a Committee of the whole House, to take His Majesty's said most gracious Message into consideration.

Mr. CURWEN said, it would be of importance that the House should be full on the discussion of this subject, and therefore he wished for a call of the House. He intimated, that he should bring forward a motion for the call of the House before this business should be discussed.

Mr. FOX thought Wednesday next much too early a day for the discussion of this business. It would be impossible before that time for the House to be acquainted with the papers to which the message referred. It was necessary above all that the House should, for some time previous to the discussion of the subject, know something of the extent of the engagements to which the message referred; for these reasons he should move that Monday next be appointed instead of Wednesday.

Mr. Chancellor PITT observed, that the House was aware some time ago, that something of this nature was to come under their consideration, and therefore no person could be surprised by it, for the point was not in fact new. With regard to the call of the House, he did not believe it would be necessary on this occasion. He saw no reason for the proposed delay at present.

Mr. SHERIDAN said, the necessity for the call of the House might appear when the subject came under discussion: what he chiefly wanted at present to know was the quantum of subsidy to be given to the King of Prussia, and this could hardly be known by the House within the time limited for the discussion, unless the Minister gave the substance of the papers now, for they could hardly be in the hands of the Members by Wednesday.

Mr. Chancellor PITT said, it would be much more regular for the House to peruse the papers themselves, which would be ready to-night or to-morrow morning, than to take the outlines of their contents, from any statement from him.

Mr. Secretary DUNDAS then brought up copies of the treaties alluded to in the King's Message, the titles of which were read, dated at the Hague, 19th of April, 1794.

Mr. SHERIDAN said, that if the Minister did not chuse to state the substance of those treaties now before the House, he should move that the whole of them should be read; in which case, the Minister should judge whether it was worth his while to save the time of the House or not.

Mr. Chancellor PITT said, he had no objection to state the account of his Majesty's engagement, on the part of this country,

with his Majesty the King of Prussia. The King of Prussia engaged to bring into the field in all 62,000 men, or a little more, to be employed according to military regulations; this number included his Prussian Majesty's contingent, which he was to supply towards the war, without this subsidizing treaty; that contingent amounted to about 30,000. The consideration of this was, that the King of Prussia was to receive 50,000l. sterling per month; besides which he was to receive for forage, &c. for 62,000 men, 100,000l. per month, &c. a sum of money on putting his troops in motion, and another on their return; so that the whole expence on this country, would amount for one year, under this treaty, to 1,800,000l. or thereabouts, and for the remaining part of the present year, supposing the war to continue to that period, the expence would be about 1,350,000l. The States General were to pay his Prussian Majesty 400,000l.

Mr. SHERIDAN said, that on account of the unavoidable absence of some gentlemen who wished to take a share in the discussion, he should postpone the motion he gave notice of making to-morrow, relative to tests given to Catholics; he should make it the first open day—Monday was named for that purpose.

On reading the order of the day for recommitment of the bill for further preventing delays at the election of Members to serve in Parliament,

Mr. FOX pointed out the impropriety of continuing to administer, on such occasions, the oath which was called the long oath, he therefore moved that it should be left out, which was agreed to, and it passed through the usual form, and the report was ordered to be received to-morrow.

Mr. SHERIDAN moved for the remaining orders of the day being read, on which the order for Counsel to be heard on the Report of the Aberdeen Police bill was read by the Clerk.

Mr. SHERIDAN said, if gentlemen had given that attention to this case which it merited, it would appear to be one of the most daring measures which ever was brought forward in Parliament. It was contrary to the opinions and feelings of many thousands who were to be affected by it, and it appeared totally unnecessary; for there were funds in the management of the Town Council ample and abundant for every purpose proposed by the bill. He could not conceive it proper, therefore, that a business of such deep importance, and affecting the interests of so many thousands, should be brought forward in so thin a House.

Sir THOMAS DUNDAS said, the case was one of a very extraordinary nature indeed. There were ample funds for every pur-

pose required, and the Town Council of Aberdeen, in possession of these funds, ought certainly to have furnished from the public revenue of the burgh, long ere now, those very articles for which they now demanded a tax from the inhabitants by authority of Parliament.

Mr. ALLARDYCE contended for the propriety of the bill, and said if such opposition was given to it, he would move to-morrow to have the order of the House, for being heard by Counsel, discharged.

Colonel MACLEOD said, the business appeared to him as of too deep importance to be brought forward in a thin House. The number present was not such as to justify proceeding in it, conformable to the rules of the House; and there being only twenty-one Members present, the House adjourned.

Tuesday, 29th April.

Mr. BURKE moved that the order of the day for printing the Report of the Committee appointed to consider of the causes of the delay in the trial of Warren Hastings, Esq. be discharged, which, after some conversation, was agreed to.

Mr. Burke then moved that the Report be recommitted, upon which, after a desultory conversation, the House divided,

Ayes, 52; Noes, 20—Majority, 32.

Mr. CURWEN begged leave to call the attention of the House to the propotition which he purposed to make, relative to the business of the Prussian Subsidy: the magnitude of the subject was such as demanded serious consideration, and should not be hurried forward in an extraordinary manner. It was the duty of the House to give it such discussion as so important a question seemed to require, and not to delegate their trust into the hands of Ministers, and by an unbounded confidence, permit them to be the sole judges of what expences were necessary, and what were the fit and proper objects of expence. This conduct he never wished to see put in practice; his sole object at the present was to obtain, if possible, the cool and dispassionate judgement of the country upon the subject of this treaty with Prussia, and its effect. Heretofore, the country had been led away by passion and prejudice; the conduct of Ministers tended to raise a ferment in the nation, and under cover of that ferment and agitation, to introduce measures to which the better reason of the people, exercised in their cooler moments, would never have given their sanction; they still endeavoured to keep up this ferment, and prevent, if possible, the exercise of cool reason, and unimpassioned judgement. The sum of money to be paid to Prussia on the present

occasion was not the great point to be considered; the change of the object of the war, and the principles on which we in future are to contend, are matters of more serious and alarming consideration; we had already voted the immense sum of eleven millions, the amount of the present subsidy was 1,800,000; by the French Emigrant Corps bill we had given a sort of general credit, which might be fairly calculated at two millions, and the value of credit made in the whole six millions, to be added in the present year to the former enormous loan. If we continued to go on in this way, placing an unlimited confidence in Ministers, suffering them to incur expence without inquiry, it was impossible to say what would be the event; and upon this principle of incurring unexpected and unforeseen expences, the present war must be more ruinous than the unfortunate American war; for the enormity of the burthen to be imposed never fairly meets the public eye, but is by degrees accumulated till it finally become insupportable. The now generally avowed object of the war is, for the purpose of interfering in the internal government of France. He sincerely deprecated wars of every description, a war for such an object as this above all others; and he was fully convinced, that if the country had known at first that such were the principles upon which we were to fight, they never would have engaged in so disgraceful a contest. That matters of such serious importance might receive a fair and ample consideration, that the whole body of the Representatives of the People might be present, many of whom could know nothing of these proceedings, and who could not possibly be in town to attend their duty time enough, from the notice which had been given of the subject, he only begged the short delay of one fortnight, which was not likely to very much impede the measures of the right honourable gentleman. He admitted, that he had promised to give his "unequivocal" support to the war; but as its object was no longer what it was at first stated to be, he claimed a right of retraction, and declared that he should oppose the continuance of the war, upon the principles and for the objects now avowed, in every way which was in his power. If the war had continued to be what it was at first pretended to be, to resent an aggression, and obtain security for ourselves and our ally, Holland, and indemnity (though the latter part he should willingly forego, as he considered the blessings of peace would be the best indemnity for the country to have in its present situation), he should certainly feel himself bound to give his support to the war; but that was no longer the case. He commented with some severity on the conduct of this country to America, and other neutral powers, by which we had violated every law of nations, and

difgraced the Britifh name. It was impoffible to hope for fuccefs from the alliances we had formed, as they and we acted upon different principles, and purfued very different objects. The views of Pruffia and Auftria for entering into the war, were avowedly the re-eftablifhment of the ancient government of France, and the deftruction of the prefent ruling powers of that country; they would not even agree to the acceptation of the Conftitution of 1789. We went upon objects totally different; there was no unifon, there could be no fuccefs; for what might fatisfy us, would by no means content them. In the whole conduct of this bufinefs, he could not but admire the right honourable gentleman's policy, though he fincerely regretted its effects, as it involved us in a war in which the country would never have engaged, if it had been fairly reprefented to them, as incurring an expence which they would not fubmit to, if calculated truly in the firft inftance. The right honourable gentleman was the firft Minifter who ever thought that great additional burthens were the moft likely means to remove difcontent; in that opinion he believed he was fingle. He profeffed the object of his prefent motion was not intended to impede the operations of government, but to draw the ferious attention of the country to a fubject which in his mind appeared of the utmoft importance. The right honourable gentleman, he admitted, poffeffed one merit in this bufinefs; he outftripped even rumour, by the magnitude of the expence which this meafure was to coft; he had never heard thofe that calculated the moft extravagantly, fpeak of more than 13 or 14,000,000l. and thofe who were more entitled to credit, their calculation being founded more on reafon and moderation, fpoke of only 700,000l. but it is now, by the right honourable gentleman, ftated to be 1,800,000l. the magnitude of this expence, unconnected with every other circumftance, deferved the ferious attention of the Houfe, and required that there fhould be fome notice given of it. He concluded by moving, that the Houfe fhould be called over to confider of this fubject this day fortnight. [There was here a cry of "Queftion! queftion!"

Mr. SHERIDAN faid, it was not his intention to trouble the Houfe much at length on the prefent fubject. If it was poffible that the gentlemen on the other fide would fuffer the queftion to be put without explaining any caufe of their diffent, or upon what grounds they fo far difapproved of the prefent motion, as to think a call of the Houfe unneceffary, he did fuppofe that it was not their intention to oppofe it, but that they meant to conform to the old proverb, "filence gives confent;" but if that was not the cafe,

he trusted that they would indulge the House, by stating the reasons upon which they objected to the motion.

General SMITH said, that an explanation was unnecessary, as the matter fully explained itself; the treaty was entered into, and the money to be paid.

The question being put,

Mr. WHITBREAD said he was not in the House yesterday, and therefore he could not regularly know what then passed in it; but he understood the Minister said that the subject of the message was not new. If so, he, as one of the representatives of the people, must say it was new to him; for he did not know of any such measure before it took place, but, on the contrary, he had every reason to believe that no such subsidy as that now proposed was to be paid to the King of Prussia, and this he understood expressly from the Minister himself, when a question to that effect had been put to him in the course of a former debate on the present war. If so, was it prudent, was it decent, to call on the people of England to pay 1,800,000l. to carry on a war, for an object they had never assented to; an object they might detest, and to allow their representatives only two days to consider of it, for the Message was to be taken into consideration to-morrow. If the Minister was determined to proceed in this manner, the country might be undone. Gentlemen on this side the House could not help it. It was impossible for them to withstand the torrent on the other side. The right honourable gentleman had the command of it.—["Order! order! order!" was very loudly called from several parts of the House.]—He would repeat what he had said—it was impossible for them to withstand the torrent. The right honourable gentleman had the command of it.—[The cry of "Order! and take down the words!"]

Colonel STANLEY said, that he could not sit still under the imputation of being, as a Member of that House, under the command of any man, and if the honourable Member persisted in his words, he should move to have them taken down.

The SPEAKER said, the House must feel the impression of the words: they appeared to him to imply that the majority of the House was at the command of an individual. That was certainly highly indecorous, and he was sure that the honourable Member would think so himself, if he thought of conveying the meaning which the House so generally seemed to think he did.

Mr. WHITBREAD proceeded—It was impossible for them to withstand the torrent. The right honourable gentleman had the command of it.—[Chair! chair! chair!]

The SPEAKER said, the meaning, to his mind, was such as he had stated; and he believed it was the meaning the House understood by it. Undoubtedly if such a meaning was intended—if it was meant to be conveyed that the opinion, or the conduct of a large portion of that House, or any of it, was at the command of an individual, that was completely derogatory to the dignity of that House.

Mr. WHITBREAD said, he bowed with submission to every thing which came from the Chair, the more especially when so ably and so impartially filled as at present. He had said, that it was impossible to withstand the torrent of opinions of gentlemen on the other side of the House, which the right honourable gentleman could command, not by means of any improper influence, he did not pretend to say, but by the power of persuasion. He conceived he had done his duty as a Member of that House, and a representative of the people, by entering his protest against such indecent precipitation, in a matter of such importance. He must again say, that Ministers were proceeding from day to day in measures the most alarming; and the silence of the Minister to-night was an insult to that House, and an insult to the people of England. We were now called upon to assist the King of Prussia, and the success of that assistance was much to be doubted; he mounted the throne of Prussia with a full treasury, he had exhausted that in the present war, and now called upon us to replenish it with British gold. He confessed the resources of the country to be very great, but though great, they were not inexhaustible; like every other human thing, they were finite; and though they were extensive, yet if we continued to pursue in so lavish a manner, so destructive an object, they must inevitably fail. He besought gentlemen to consider well the importance of the subject, and grant some short pause for the public mind to reflect. God only knew how long the people of this country would be able to bear the burdens to be imposed on them. Time should be allowed to them to reflect cooly on the situation they were in. Time should be allowed to their representatives to form some opinion on the present measure, and then to assemble to do their duty: the present motion had that object in view, and therefore he thought it his duty to support it.

Mr. SHERIDAN rose—[" Spoke! spoke!" was repeated from several parts of the House.] He observed, that what he had already said could hardly be called a speech, it was only a hint at the candour of the Minister; besides, gentlemen might as well tolerate a few observations upon that, as they were determined to remain silent on the other side As to the allusion of his honourable friend to

the influence of the Minifter in that Houfe, it was certainly very unparliamentary; he was glad he explained it, for it was not true—we all knew the Minifter had no influence whatever on the majority of the Houfe, except fuch as he honourably derived from his eloquence and fair argument. But his powers were not confined to the utterance of words merely, he had a dumb as well as oral eloquence, of which he had given a capital fpecimen to-night, for he had convinced them all at once by his filence; it was but juft putting it in motion, and inftantly all his friends became affected by the charm, and they all nodded dumb diffent to the motion like himfelf. This certainly carries with it fome ground of fufpicion, that what has fallen unintentionally from my honourable friend, is not wholly unfounded. [Here a cry of order.] But was the Minifter quite fure that fome might not mifunderftand him? Perhaps they might underftand his conduct according to the proverb, "filence gives confent," and under that idea vote for the motion. Thefe dumb votes might bring him into a dilemma, efpecially as he had yefterday defired that this motion fhould not be made, but fhould be deferred to this day. It was known how long and how well the right honourable gentleman could declaim, he begged pardon, argue, on any topic, without the leaft time to confider of his fubject; but it was odd that he fhould have required fo much time to prepare himfelf for holding his tongue.

Sir GEORGE YONGE faid, that when he called order, he did not allude to any thing that the honourable Member had faid, but that he had on the moment heard a noife in the gallery.

Mr. SHERIDAN begged the honourable Baronet to remember, that he could not fee or hear any perfon in the gallery, that it was quite empty, and no ftrangers could be there, and he was very happy that none of his conftituents were prefent to obferve the difgraceful conduct of the Houfe that night, and that it was not therefore likely to be publifhed to the world, as for his part he fhould make it his ftudy to prevent the fhameful fecret from tranfpiring as far as was in his power. By the treaty, he obferved, the object of the war was entirely changed; the King of Pruffia, who, as had been ftated by an honourable Member, was engaged in a purely defenfive war, no longer remained a principal in the war; he now merely hired fome troops, and furnifhed others, in conformity with the terms of fubfifting treaties between him and this country and Holland. We now avow ourfelves engaged for the re-eftablifhment of the monarchy of France, and the whole object being changed, he felt himfelf at liberty to withdraw his promifed fupport, and had no difficulty in faying that he fhould refufe it,

except in the case of invasion, or such circumstance as called upon every man to stand forward in the defence of his country. He repeated what he said at a former period, that any Minister ought to be impeached, and lose his head, who spilled the blood of his countrymen, or expended the treasure of the nation, to restore the ancient despotism of France. He observed that we were likely to have a new tie upon us for continuing in the war, as he understood from pretty good authority, that there was at this time a large loan negociating for the Emperor in this country. With regard to the present treaty, he observed the regard the Ministers of Holland paid their countrymen; they absolutely refused to pledge them for more than a single year; whilst our Ministers, on the other hand, have consented, on the part of England, to the payment of 1,800,000l. annually during the war, 400,000l. of which we were to get from the Dutch as well as we can. They have not felt it incumbent on them to pay any respect to the Commons of Great Britain, or to the wishes of their country; but have wantonly pledged us to pay a large sum of money, the whole of which will probably fall on us after the expiration of the first year. It was neither policy nor wisdom in the right honourable gentleman, to treat with so much inattention the Commons, and by that means to render them insignificant in the eyes of the people, especially as he opposed every proposition made for a reform in the representation, and denied its necessity. The whole of his conduct, during the present session, had gone to render the representation contemptible, and on no occasion more than the present. He warned him of the bad consequence and impolicy of refusing discussion and explanation, when called for, both by the importance, the magnitude, and consequences of any subject. He was afraid the public would be incensed at these proceedings. He was afraid that these attempts of the Minister to set aside all the deliberation of the House of Commons, and to prevent them by these hasty steps, from meeting as they ought to do in the character of representatives of the people, the people would meet themselves to discuss these things and determine on them, and he thought they had a right so to do.

Mr. TAYLOR said the conduct of the right honourable gentleman had on that night done, what it was seldom accustomed to do, given him much satisfaction, because it would tend to open the eyes of the people and undeceive them in some degree. Nothing, in his opinion, could more effectually open their eyes than paying 1,800,000l. in hard cash, and the Minister refusing time to consider the propriety of it, without assigning a reason for so doing.

Mr. FRANCIS expreffed his fenfe of the improper and indecent conduct of Minifters, and declared he felt himfelf no longer bound to fupport them in the profecution of the war.

Mr. CURWEN thanked the right honourable gentleman for his conduct, which he did not feel, as it was intended, a mark of difrefpect to him, becaufe his country, and the people at large would judge whether the motion he had made was, or was not important enough to call for fome fort of reply from Minifters, he felt the pleafing confcioufnefs of having difcharged his duty.

Mr. HARRISON expreffed his difapprobation of the behaviour of Minifters; and declared, he felt himfelf, the object and principle of the war being altogether changed, freed from any promife he had given to fupport the war.

The queftion was then put, and the Houfe divided,

Ayes, 19; Noes, 98. Majority, 79.

Wednefday, 30th April.

The Houfe, in purfuance of the order of the day, refolved itfelf into a Committee of the whole Houfe, to take into confideration His Majefty's moft gracious meffage. To this Committee were referred the feveral papers prefented by Secretary Dundas.

Mr. Chancellor PITT. I have now to fubmit to the Committee fome remarks preliminary to a motion which I fhall make relative to the two objects ftated in His Majefty's meffage, but before I proceed farther, I fhall beg leave that the meffage itfelf may be read. (The meffage being accordingly read, for which fee the proceedings of Monday, April 28, Mr. Pitt proceeded.) The Committee will perceive that the meffage comprehends two objects. The firft relates to the fpecific treaty entered into between His Majefty and the States General on the one hand, and the King of Pruffia on the other, and the Convention, between them, for the purpofe of carrying on the war: the fecond relates to the provifion which muft be made, in order to enable His Majefty to fulfil his engagement fo entered into, as well as to defray any extraordinary expences which may be incurred, and to fuch other meafures as the exigencies of affairs may require. On the firft of thefe objects, I fhall confider it as my duty chiefly to dwell at prefent: I am aware of the very great importance of the treaty entered into between His Majefty and the King of Pruffia, not only from the large fum ftipulated to be paid on the part of this country, but ftill more when confidered as connected with the nature of the prefent conteft, and the force which we may be enabled to employ in carrying on a ftruggle, on the event of which depend confequences of the utmoft magnitude

both to this country and the whole of Europe. I will not indeed attempt to disguise from the Committee, that it would be much more satisfactory to me, on the present occasion, to be able to state to them that the King of Pruſſia ſtill continued to take part in the war as a principal, acting on his own bottom, and from his own resources, than that he has now adopted the resolution to take only a subordinate part, and to rely on the other powers for defraying the expence of his future operations. To those who consider the interests of every Monarch as equally involved in the iſſue of the present contest, it may be matter of question, whether the Court of Berlin ought not to have continued its exertions, even under the moſt severe preſſure, without applying for the aſſiſtance now ſolicited? But though it muſt be granted that the Court of Berlin, in common with every other regular Government, had ſo great an intereſt in the conteſt, and though they no doubt felt that intereſt, it might yet ſtrike their conſideration, how far their intereſt in the conteſt was equal to the expence of carrying it on, eſpecially when it was recollected what was their ability to ſupport that expence. It was obvious that Pruſſia, from the ſtate of its commerce, its population, its conſtitution, did not poſſeſs the ſame reſources for carrying on the war as were enjoyed by the other powers, and above all others in ſo tranſcendent a degree by this country. In that ſhare which it contributed to the expences of the war, Pruſſia was acting from a treaſure upon which depended the very exiſtence of its empire, and which could not be exhauſted without hazarding its entire deſtruction. In this point of view it might be a queſtion to timid politicians, whether they ought to riſk the alternative? and whether the danger of any conſequences that might reſult from declining the conteſt, was ſo great as that threatened by the conſequences of carrying it on? Had I been an adviſer in the Court of Berlin, ſuch is my view of the nature of the conteſt, that I have no heſitation in ſaying, my opinion would have been that it ought at all events to have been carried on, and that no danger, which could have been incurred by the conteſt itſelf, was ſo great as that of declining it. But if the Court of Berlin are either unable or unwilling to proceed farther in defraying the expences of the war from their own reſources, all theſe circumſtances in their ſituation which operated with them as grounds of doubt, and had the effect to deter them from acting any longer as principals, ought to have a directly contrary effect with reſpect to us. How much ſoever all of us may regret, or ſome may even be inclined to diſapprove the ſeceſſion of the King of Pruſſia from the common cauſe, there can be no doubt to thoſe who approved of the principles upon which the war was undertaken, and

who are ſenſible of the neceſſity of carrying it on, that if his efforts can at all be effectual to the purpoſes of the war, it is ſtill deſirable to ſecure the uſe of them. It remains then only to conſider the terms of the treaty, and what proportion the force ſecured for the ſervice bears to the ſtipulated expence by which it is to be obtained. By the firſt article of the treaty His Pruſſian Majeſty engages to furniſh an army of 62,000 men, and this independently of his contingent of 20,000 as a Member of the Germanic body, for the ſervice of the war. It is to be recollected that even in the event of having withdrawn his co-operation, he would have been bound by exiſting treaties to have furniſhed to Great Britain a ſtipulated ſuccour of 20,000 men, and to Holland of 12,000, ſo that the whole additional force ſecured by this treaty amounts to 30,000. The terms, upon which this force is procured, are that His Britiſh Majeſty and their High Mightineſſes ſhall pay to the King of Pruſſia a ſum of 400,000l. to defray the expences of the equipment and the return of this army; and likewiſe a ſubſidy of 50,000l. per month, which, with the expence of bread and forage, calculated at a certain ſum per man, will amount altogether in the courſe of a twelvemonth to 1,800,000l. of which 400,000l. are to be paid by Holland, and the remaining 1,400,000l. by this country. Now it is to be remarked, that if we had received the ſtipulated ſuccours of 20,000 men, we were ſtill bound by treaty to have provided them with bread and forage, a circumſtance which conſiderably diminiſhes the additional expence incurred by this treaty. It was ſtipulated on the part of His Pruſſian Majeſty, that all other expences neceſſary to this army ſhall be defrayed by him, and that it ſhall arrive at the place of its deſtination on the 24th of May. In the 6th and 7th articles it is agreed, that all conqueſts made by this army, ſhall be made in the name, and remain at the diſpoſal of the two Maritime powers; and the neceſſary meaſures are appointed in order to keep up the communication and correſpondence between the reſpective armies. In a ſeparate article it is provided, that the ſame concert ſhall be kept up between His Britiſh Majeſty and the King of Pruſſia beyond the preſent year, in order to ſecure the effect of their preſent engagements, until the end of the war. I have been thus particular in enumerating the different articles of the treaty now in your hands, in order to bring them immediately under the attention of every gentleman preſent, and afford the Committee an opportunity to demand any explanation that may appear to them neceſſary. The reſult of the whole is, that it gives us for the ſervice of the war, the co-operation of 62,000 of the beſt military troops in Europe. There ariſe then two queſtions: firſt, whether engaged as

we are at present in the war, it is material for us to have the co-operation of such a force in carrying it on; and, 2dly, whether we could have had it to the same extent from any other quarter, from which it might have been more desirable. To neither of these points can I conceive it necessary to speak; it will certainly on all hands be admitted that as such force was of the utmost consequence to us in carrying on the war, so neither was it to be procured any where else. There remains therefore only a third question: How far the terms upon which this force has been obtained, may be considered as reasonable? The charge for the outfit and return of 30,000 men is 400,000l. This sum, which includes all the expences of levy-money, equipment, &c. amounts to about 13l. per man. In order to judge how far this is a reasonable charge, it is proper to compare it with what it would have cost to have brought into the field the same number of British, Hanoverian, or foreign troops. At the same time, we must remember that it was impossible for us to have procured an equal number of troops either at home or elsewhere, for the service of the war. And if in the first instance, we look at home, we will find that the mere article of levy-money would have cost us about 15l. per man, independently of the other expences of arms, clothing, &c. The levy-money which we pay for troops raised in Hanover, amounts to about 13l. per man. For the troops of the Prince of Hesse-Cassel, and others whom we have in our pay, the levy-money indeed amounts to a much smaller sum, only to about 8l. per man, but then to these powers we pay large subsidies for the use of their troops. Let us now consider what are the other expences for maintaining these troops in the field: we are to pay to the King of Prussia, a subsidy of 50,000l. per month, a sum much less than if taken in the proportion per man we pay for British troops. For every Hanoverian soldier we pay about 23l. per annum, and for Hessians much in the same proportion; so that taking in the comparison of the whole, we shall find that we have these troops at a much cheaper rate than we could have been supplied from any other quarter. With respect to the other articles which we are to furnish; bread and forage, it would be ridiculous to pretend to make any calculation, as the prices of these continually vary. It was judged more convenient to calculate these at a certain sum, than to furnish them in kind. And I can only say, that the rate, at which they are calculated, is much less than that for which they could have been furnished in Flanders, (where lately they have been had upon much cheaper terms than formerly) or even in this country. The cheapness in this article will appear the more extraordinary, as of the 62,000 troops to be

furnifhed, a very large proportion, almoft indeed the one half, are cavalry. When it is confidered then what a quantity of forage will be neceffary for the fupport of 31,000 horfes, the advantage in this ftipulation muft evidently appear to be on the fide of this country: for all other expences, His Pruffian Majefty becomes liable. Such is the detail into which I have thought it neceffary to go, for the fatisfaction of the Committee, and I truft that thofe, who approve of the principles upon which the war has been undertaken, and who are fenfible of the neceffity of fecuring every co-operation, which may contribute to its fuccefs, will not complain with refpect to the terms upon which fo large a force has been obtained for the fervice of the war. There is one point which ftill remains to be touched upon, and that, it muft be confeffed, of the moft material confequence, namely what command we are to have of thofe troops, whofe co-operation we have fecured, and how far we are to have the power of employing them in the manner moft effectual for the military operations of the campaign. It cannot certainly be expected that we fhould have the fame unlimited command of thefe troops as of the Hanoverians and Heffians. It is not indeed poffible to hope for the co-operation of the fecond great military power to as great an extent, or upon the fame terms, as that of thofe fmaller powers, who hold a rank comparatively infignificant in the fcale of Europe. You cannot, I fay, hope to fecure the co-operation of fuch a power without giving fome fcope, both to the military fpirit of the troops, and the thirft of military glory in their Monarch. You do not therefore by this treaty acquire the exclufive direction of thefe troops. It is only ftipulated, that they fhall be employed in concert with the Britifh arms, and for Britifh purpofes. Wherever indeed you have had occafion to give fubfidies to any of the great powers of Europe, fuch as Germany, Hungary, Pruffia, you have always been fenfible that you have had much lefs control over their operations, and that they could be expected to take much lefs intereft in your concerns. In the prefent inftance indeed you have given a fubfidy to the King of Pruffia, in order to fecure his offenfive co-operation in a war in which he has an intereft in common with you, and with every other eftablifhed Government. But let it be recollected, in what circumftances fubfidies have formerly been given to the fame power. You have given him fubfidies for the purpofe of carrying on a war in which you yourfelf took no immediate part, merely on the fcore of his ufefulnefs as an ally, and from the intereft which you felt in the general fituation of Europe. You have given him fubfidies for the purpofe of defending his dominions againft Auftria, a power with which you were not then at

war. At a period of hiftory prior to that to which I now allude, you gave a fubfidy to the Queen of Hungary, for the purpofe of defending her own dominions.

I quote thefe inftances not to mark them with any degree of cenfure, for they took place in the beft times of this country, but only to fhew how much they go beyond the prefent. You have now, for the firft time, the good fortune to fecure the effectual co-operation of the King of Pruffia in a manner more fubject to your control, and for purpofes more immediately Britifh, than at any former period. I am ready, indeed, to contend, that the circumftances of this treaty afford matter of joy and fatisfaction to this country. It may, perhaps, be afked by gentlemen on the other fide, is it any matter of joy and fatisfaction to the country to pay 1,350,000l. (for that is the fum which we are bound by treaty for the prefent year) in addition to its prefent burdens? I would afk thefe gentlemen, is it any matter of joy and fatisfaction to be at war, or to be obliged to facrifice the blood and treafure of Britifh fubjects in a conteft, on the iffue of which, however, depend the deareft and moft facred rights of this country, and the general interefts of Europe? But it is matter of joy and fatisfaction, to have it in our power to make, in the moft effectual manner, thofe exertions which we are invited to make by the zeal of the people, and for which the refources of the country enable us fo amply to provide. It is not neceffary for me to dwell on this fubject. It is impoffible for me to bring forward any argument in which I muft not have already been anticipated, with refpect to the propriety of fecuring the moft effectual co-operation in a war, fanctioned by fo very large a majority of this Houfe, and of the country. I now come to fay a few words with refpect to the vote of credit that it may be neceffary to pafs, in order to enable His Majefty to fulfil his engagements, and to defray any extraordinary expences which may occur during the period of the recefs And the fum which I would propofe for this purpofe, is two millions and a half. The extraordinary expence incurred by the Pruffian treaty for the prefent year, amounts to 1,350,000l. which leaves a fum of 1,150,000l. for other extraordinary fervices. But it will be recollected, that in my ftatement of ways and means, I took no credit for the furplus down to the 5th of April, amounting to 231,000l. already voted by the Committee of Ways and Means. This, with other fums, will leave, after the payment of the Pruffian fubfidy, a fum of not lefs than 1,650,000l. applicable to the other extraordinary expences of the year. In the laft year it will be remembered that I propofed to grant to His Majefty, 1,500,000l. for the extraordinary fervices

of the year. A great part of that ſum was expended in ſubſidizing the King of Sardinia and the Heſſians, objects which are now provided for in the ordinary expenditure of the year: ſo that the vote of credit which I have now propoſed, after defraying the Pruſſian ſubſidies, will ſtill leave a very ample proviſion for the extraordinaries of the year, and ſuch as I truſt will be fully equal to an extended line of operation. I do not pretend to ſay, that I have been exactly accurate in my calculation, but I have endeavoured as much as poſſible to ſtudy preciſion. If any addition ſhall become neceſſary to that expence upon which I have at preſent reckoned, it can ariſe only from that extraordinary ſcale of operations, which if the opportunity ſhould occur, it will certainly be the beſt œconomy to adopt, as moſt effectually conducive to the purpoſes of the war, and moſt likely to bring it to a ſpeedy termination. Expence, to whatever extent ſo employed, will evidently be productive of ſuch advantage as muſt ultimately render it the greateſt ſaving. What I have been anxious to impreſs upon the Committee, is that I have no deſire to make an inadequate proviſion for the extraordinary expences: on the contrary, that I have rather been careful to calculate them upon the largeſt ſcale, in order to meet whatever exigencies may occur, and prevent us from having to make a future proviſion for expence already incurred. I ſhall conclude with expreſſing my ſatisfaction in the diſpoſitions manifeſted by this Houſe, and ſo well ſeconded by the zeal and reſources of the country, to make the moſt liberal proviſion for the expences that may be incurred in carrying on the preſent conteſt, in which we were certainly engaged by no fault of our own, but which involves in it our moſt important intereſts, and demands our moſt ſtrenuous exertions, in order to bring it to a ſucceſsful termination. The Chancellor of the Exchequer concluded with moving, "That it is the opinion of this Committee, that a ſum not exceeding two millions, five hundred thouſand pounds be granted to His Majeſty for the ſervice of the year 1794, to enable His Majeſty to make good his engagement with His Majeſty the King of Pruſſia, to be raiſed by way of loan on Exchequer bills, &c."

Mr. FOX found it neceſſary to make ſome obſervations upon the very extraordinary propoſitions he had heard advanced in the courſe of the right honourable gentleman's ſpeech. For if what he had advanced were true, let the wealth of this country be ever ſo great, it would be of little or no avail in the proſecution of the war. Pruſſia, it was admitted by the right honourable gentleman, to be as deeply intereſted in the preſent war as any of the allies; and he even owned that were he to have adviſed the Court of Ber-

lin on the occasion, it would have been to continue the prosecution of it as a principal. This would have been wise and honest; and yet we are told, that the Prussian monarch is so mistaken in true policy, and so alarmed by groundless apprehensions, as to take the scandalous and wicked resolution of deserting the cause which he had undertaken as a principal. But the right honourable gentleman states, that whatever reasons may have operated to produce such a resolution in the King of Prussia, they should have a contrary effect upon us. What, therefore, was the inference from this mode of argument? That as the Prussian Government had been so foolish according to some, and so wise according to the opinion of others, to wish to withdraw from the combination, it became the duty of this country to say to that Government—"Since you have been so ill advised on the subject, furnish us with men, and we will furnish you with money." The same species of argument would apply to all the other powers engaged in the contest. Did the right honourable gentleman know the resources of those powers; and was he quite certain that Great Britain would not have applications of a similar nature from Spain, Austria, and others of the combination? He laid much stress on this point, because it constituted the foundation of the Minister's speech. With respect to the particular power alluded to, who, he would ask, would not imagine, from the progress of the war, that Great Britain had been originally concerned in it, and that Prussia had only been engaged as auxiliary? Was not, however, the direct contrary the fact? Had not Prussia and Austria been at war long before Great Britain had entered into it? Possibly, during the course of that war, the aggression on Great Britain and Holland happened—"Let us see then," said Mr. Fox, to what this leads us. It so happens, that in the progress of a war between France, Austria, and Prussia, an aggression takes place against Great Britain and Holland—Does the King of Prussia say, "I am sorry that I have involved my good friends in disagreeable circumstances, and I will on that account make treble exertions."—"No:" he says, "I have got you into a scrape; my dominions are not so immediately affected as yours, and I will withdraw from the combination, unless you pay me for continuing in it." This affair, the right honourable gentleman asserted, was characterized with a greater degree of meanness than any transaction that the annals of history could furnish. This was a conduct so atrocious, that he conceived it was impossible for this country to place any confidence in the King of Prussia. What security had the people of England, that his Prussian Majesty would not make another demand of a subsidy at the end of the year? Or how

could they be assured that the success of the present extortion might not only induce him to make a second application, but might also furnish an apology for applications of the same sort from other powers? Austria and Spain would certainly come forward, upon such an occasion, with much more honour than Prussia. It seemed, however, from the Minister's speech, that it was not the King of Prussia who asked, but Great Britain who requested his Prussian Majesty to accept; and this, the right honourable gentleman contended, "afforded matter of joy and congratulation to the country." The right honourable gentleman, indeed, seemed struck with the words as soon as he used them, and on that account had endeavoured to explain them away; the explanation, however, was of a curious nature. It seemed that the existence of Great Britain, as a nation, depended upon this assistance of Prussia; and on this account it was desirable, that we possessed the means of this assistance. It might be compared to the case of a man not congratulating his friend afflicted with a dreadful disease, that though the amputation of a limb might be painful in the operation, and perhaps doubtful in the event, yet that it would probably save his life; but it resembled the case of a man expressing to that friend his joy and satisfaction that there were no other means of saving his life. It might have been wished that the Minister had possessed better taste than to select such a topic as a theme of joy! It should have been spoken of as a scene of painful suffering, such as this country had seldom if ever before felt!—Having said this, he wished to know in what light to consider the situation of the King of Prussia at this moment? It was certainly extremely ambiguous. Had he ceased to be a principal or not? Indeed the Minister had given no information on that subject; for a good reason—he had none to give. But he had thought proper to allude to other treaties, and to take what he called a comparative view of them and the present; and in doing this he had recourse to a quibble that was unworthy of him. He was surprised that a man pretending to have any thing like intellect, should attempt it; he meant the allusion to the Subsidiary Treaty with Prussia against the power of Austria. He had asserted, that we had subsidized the late King of Prussia in the year 1758, at a time when we were not actually at war with the House of Austria, though it was well known that at that period France was supporting the Empress Queen in Germany, and we engaged in opposition to them to espouse the interests of the House of Brandenbourg. To revert, therefore, to his question, he would ask, whether the King of Prussia was any longer to be regarded as a principal in the war, or not? If he was to be

regarded as a principal, why was he to be treated with on the footing of a neutral power, or why were we to hire 30,000 men above those he was bound to furnish us with by treaty, merely to enable his Prussian Majesty to display his thirst for military glory at our expence. The next point to be considered was the command of the troops that were to be employed, and for which we were to pay the King of Prussia. The Minister had said it was proper they should be under the command of a Prince so fond of military glory; now, he did not expect to hear that it was matter of joy and satisfaction to the people of this country, that when their money was voted for the maintenance of an army, some authority of their own was not to have command and controul over them: in the common course of common sense, it might have been expected, that those who paid them should command them, instead of giving the command to a person who had already given so very indifferent proofs of integrity. In the next place, however, we were informed, that this subsidized army was to be employed for British purposes, and that the conquests it might make were to be placed to the advantage of the maritime powers: but a very slight reflection would convince the House, that this boasted convenience was productive of no beneficial consequences; but, on the contrary, rather tended to retard than to accelerate the purposes for which the treaty had been made. The great object of all these treaties was to enable the Continental State with which we were connected to fight its own battles with effect, and to create so powerful a diversion on the side of France as to hinder the full effect of her naval exertions. When this was understood to be the nature and effect of these alliances, every contracting party under the influence of private interest would naturally be disposed to the utmost exertion for the common cause. But we were now so diffident of the zeal of our ally, that we were determined to make it entirely a British and Dutch concern, and yet to employ a monarch to act in our behalf, who was unconcerned in the issue of the enterprizes he might undertake. The right honourable gentleman (Mr. Pitt) had been as perspicuous as he usually was in matter of detail, in his comparative estimate of the expence of this Subsidy Treaty, and those which had been concluded between this country and the other German principalities. But without examining into the *minutiæ* of these different treaties, he would only remark, that under the stipulations of the treaty of 1787, the King of Prussia was bound to furnish the King of Great Britain and the States of Holland with 32,000 men, for the sum of 600,000l. so that the whole of the remaining part of the aggregate sum was appropriated

to the payment and fuftenance of the additional 30,000 men, which was at the rate of at leaft 12l. per man, exclufive of the 400,000l. which were to be paid to the King of Pruffia before he began his march; fo that upon the whole the fum of fixteen hundred thoufand pounds was to be paid to this Prince during the firft nine months of our alliance with him. On this part of the fubject it was not, however, his intention to dwell any longer, as the terms of this bargain would give rife to inquiries of very inferior moment, when compared with thofe more important fuggeftions which arofe from the general view of the fubject, and the character and conduct of the party with whom we had formed this alliance. And here he would afk the Houfe, whether the perfidious conduct of the Court of Berlin to France and Poland was a fufficient motive to induce us to place implicit confidence in its future adherence to the faith of treaties; or could we hope to derive much benefit from the protection of the King of Pruffia, when his having ruined his own fubjects, and exhaufted his treafury, were affigned as the principal reafons for affording him this fupply of money? He was alfo under fome difficulty as to the extent of the engagements under which the States of Holland had come by the ftipulations of this treaty; for, according to its tenor, we were bound in the firft inftance to pay the King of Pruffia the whole of this fum, and had only the collateral fecurity of Holland to ourfelves to the amount of 400,000l. and the Dutch were only bound to make this payment for the courfe of the current year, whereas by a feparate article we had agreed to continue it during the courfe of the war. The right honourable gentleman was indeed better acquainted with the refources of the States of the United Provinces than he could pretend to be; but could he give the Houfe any affurance that they could bear this expence for any longer period than the prefent campaign, however willing they might be to continue it farther? And however that might be, he was compelled to fay, that amidft the general commiferation which he felt for every nation involved in this conteft, he could not help feeling, in a peculiar manner, for the Dutch, becaufe he was perfuaded they were forced into the war againft their inclination, and becaufe otherwife they would have preferved their tranquillity by a candid and open negociation. It had, however, pleafed the allies to put Holland forward, in the beginning, as the caufe of the war; though it now appeared that, to revenge the aggreffion committed by the violation of the navigation of the Scheldt, had, in reality, very feebly influenced their conduct.

The truth at length comes out, faid Mr. Fox, and we are told,

what! Were you such fools as to suppose that the pretences of the war were the real causes? A war for the navigation of the Scheldt! The idea had been so ridiculed, that one gentleman had compared it to a war for the most trifling circumstance in the world? If report spoke truly, this application for a subsidy to the King of Prussia was made to other powers before it came to us; others had had an opportunity of sharing in the glory of this day, but they had declined; it was reserved exclusively to Great Britain. If report spoke truly, the Emperor had the offer of that honour; if report spoke truly, the King of Spain had the same honour; if report spoke truly, they were all unable to defray their own expences; even the Empress of Russia was in that situation. It was prudent of them not to engage to defray the expences of others, before they were able to discharge their own. It appeared now that Great Britain was engaged in a contest with such an enemy as the King of Prussia had described the French to be, and that she possessed such allies as, the Dutch excepted, could not afford to furnish one farthing for any external assistance. Even Russia, if she could be considered as an ally, possessed very insufficient finances. If Great Britain, therefore, were to supply all the wants of her allies, if she were to be the only power by whom resources were to be furnished, what wealth, great as he allowed the wealth of this country to be, what wealth would be adequate to supply such wants, and to furnish such resources? With those sentiments of the objects of the war, which the allies knew the Government of this country to possess, it would be needless to higgle about the amount of a subsidy; for as the assistance of the allies was contended to be necessary, they would themselves settle the amount of such subsidies, and according to the arguments of the Minister, their demands must be complied with, whatever those demands might be. After adverting to a part of the right honourable gentleman's speech which, he contended, furnished him with a supposition that the subsidy to Prussia had been foreseen at the period when the budget was opened; but that the Minister had been disappointed in the expectation of the amount of the subsidy. Mr. Fox next touched upon the expences of the war; the present year, he contended, would be a more expensive one than this country had ever experienced. It could be considered, however, only as the first year of the war, and the Committee might be assured that the expence would increase every year during the continuance of the war. When the people took this into their consideration, when they considered the great scale on which taxes had been imposed this year, and the load that would be laid upon them next year, when they reflected too, upon the principle of subsidizing all

Europe, the prefent day, he believed, would be to them a day not of joy and congratulation, but of real national concern. They would fee, that if the prefent fyftem were perfevered in, this country would at length be reduced to the exhaufted ftate in which Pruffia now was, but that, unlike Pruffia, fhe will have no Great Britain to recur to for affiftance, or to fly to for relief; fhe would find all her allies equally and perhaps more exhaufted than Pruffia, who, he believed, was even now not the pooreft of the allies. He, for his part thought, perhaps more highly of the refources of this country, than the moft learned man who had ever yet fpoken or written upon them; but as an honourable friend of his (Mr. Whitbread) had faid, they were like every thing elfe in human affairs, not infinite but finite, they ought not then to be oppofed to expence that was infinite. He then advifed the Committee to think of the probable effect on the people of a great accumulation of taxes, in the profecution of an object which appeared to him to be unattainable, namely, fuccefs in the war, according to the prefent avowed object of it, the total deftruction of the Government of France, and concluded with moving an amendment to the prefent refolution, that the fum of 1,150,000l. fhould be inferted inftead of the fum of 2,500,000l.

Mr. WINDHAM rofe in reply to his right honourable friend who had juft fat down, and differed entirely with him on the prefent fubject of debate. His right honourable friend had made ufe of no argument whatever that could induce him or the Houfe to give their vote againft the queftion as it actually ftood. Great and ftrong general arguments had been ufed, but they only could be taken as reafons againft war in general, and were no way applicable to the circumftances of the prefent war; nor had the gloomy profpects held out as the effects and confequences of war, any conclufive tendency that ought to dictate to gentlemen the vote which they were that night to give. In his mind, the only reafoning that applied, and the only queftion to be debated, was, whether the prefent affiftance to be fecured by the treaty with Pruffia, was worth purchafing at the price to be paid for it? and then, whether being a neceffary and proper aid to afk, it could be obtained in any other way, or at a cheaper rate? On thefe points his right honourable friend had not given the Houfe any thing like an intelligible argument; but he had no hefitation in faying that the terms of the treaty on the table were the beft and cheapeft that could have been got, and that the whole of the meafure was politic, expedient, and abfolutely neceffary. One argument of his right honourable friend, he thought, was very improperly put to the Houfe. He had faid, "what fecurity was there

that our other allies might not soon be in the same situation that Prussia was? may we not be called upon next year in a similar way by Spain, by Austria, and by other powers with whom we were allied in this war; and if so, where would be the end of it? Would any person say that the resources even of Great Britain would not be so exhausted, and drained, by such extravagant demands, that finally she must yield to her embarrassed circumstances, and know not where to apply for relief? In this way to give up our cause to despair was more the language of peevishness and passion, than that which he was accustomed to hear from his right honourable friend. With regard to the different allusions that had been made to the conduct of Prussia at other times, he did not mean to enter at all into that subject; but allowing, for argument's sake, that it had deserved the epithet of disgraceful, and all the others which had been applied to it, still he would maintain that when such assistance was materially necessary to the cause and the objects in which this country was engaged, who was there would not give the terms proposed by this treaty? The question then came shortly to be, whether the assistance of the King of Prussia was necessary, and what price was it worth? And upon this alone gentlemen had to make up their minds, and give their votes accordingly. It had been stated as a matter of inconvenience and possible danger, that the troops contracted for by this treaty, were not to be entirely at the disposal and direction of this country as to the conduct of their operations; and the uncertainty of the part which Prussia might take in the future events of the war, had likewise been mentioned. He did not consider that this point was fairly argued by his right honourable friend; nor that it was fair to infer from any thing that had fallen from the right honourable gentleman opposite, that by this stipulation, which gave the King of Prussia a right to conduct, in a certain degree, the operations of those men whom he was bound to provide for the common cause, we gave a power to a military Monarch merely to indulge his own thirst for glory, and did not expect that they should be used in such a manner as this country might deem beneficial to its interests. It ought to be remembered that there were two words to every bargain, and certainly the treaty provided that if we were bound to the King of Prussia, there were likewise conditions by which the King of Prussia was equally bound to us. As to the inability of our other allies, to go on without demanding subsidies from us, however that might be used as a general argument, there was no chance of its applying to the present circumstances of the war. Austria had taken her share in the whole of it, and had acted largely, by sending at least 180,000 men into the field, and unless we

found it a desirable thing to be in alliance with the present detestable system in France, and to give up our other alliances, he could not see the shadow of a reason or argument for resisting terms so favourable as those proposed by Prussia, when it was in our power to obtain them. He confessed that he expected to have heard more arguments than had been yet brought forward against it, but he was pleased to find that even his right honourable friend, with all his ability and ingenuity, had not tried to adduce any. He had argued chiefly against the principle of the war, and not against the terms of the treaty, but this mode of arguing he thought did not come within the limits of the present discussion, and the opinion of the House had been sufficiently known upon it before. He concluded by adverting to the comparison which Mr. Fox had made between Mr. Pitt's calling this a day of joy and congratulation, because by this effort we might save the country from destruction, and calling a day a day of congratulation to a friend who might lose a limb, because by the amputation a mortification might be prevented, or even his life might be saved; certainly in this case, even as the right honourable gentleman had stated it, he would think it a day of congratulation to a friend, though he might suffer a considerable degree of pain, and be at the expence of a limb, that upon those terms his life was saved.

The question was then put upon Mr. Fox's amendment.

Mr. FOX said, that he understood the regular way of moving an amendment to such questions as the present, was by proposing to vote a smaller sum, because it might be presumed that the House was more inclined to vote a small than a larger sum of their constituents' money, though he owned there was nothing in the late practice of the House which even confirmed him in this opinion. He had likewise to add, that though he only proposed to alter the sum, the intention of his amendment was, to disapprove all that followed of the original resolution.

The Committee divided on the amendment:

Ayes, 33; Noes, 134.

The original resolution was then put and carried; and the report ordered to be received to-morrow.

Mr. THORNTON, after some remarks on the manner in which Government contracts were sometimes disposed of, in many instances, to the great disadvantage of the Public, moved for leave to bring in a bill to explain and amend so much of the bill commonly known by the name of the Contractors' Bill, as disqualifies persons holding Government contracts to sit in Parliament, and to enact, that in future all contracts shall be made by public advertise-

ment, and given to the person who ſhall offer terms the moſt favourable to the Public.

Mr. CHISWELL ſeconded the motion.

Mr. SHERIDAN oppoſed it. Such a bill, he ſaid, would take away a very valuable proviſion for the independence of the Houſe. The part of it which admitted contractors to ſeats in Parliament, would ſoon be the only one that would be obſerved, and contracts would be diſpoſed of for the purpoſe of influence as before.

Mr. M. ROBINSON objected to bringing forward ſuch a propoſition at ſuch an hour, without previous notice.

Mr. THORNTON ſaid he had given notice of it two days before; and every reaſonable opportunity for conſideration and diſcuſſion ſhould be given on the future ſtages of the bill.

After ſtrangers were ordered to withdraw,

Mr. JOLIFFE ſaid he ſhould ſupport the motion, becauſe he had always diſapproved of the whole of the bill which it propoſed to amend.

Mr. Chancellor PITT alſo approved of the motion, but not on grounds quite ſo extenſive.

The Houſe divided on the motion: Ayes, 48; Noes, 24.

The Houſe adjourned.

Friday, 2d May.

On reading the report of the Committee on the King's meſſage, giving His Majeſty a vote of credit for two millions and a half, to enable His Majeſty to make good his engagement with the King of Pruſſia,

Mr. SHERIDAN ſaid, that after what had paſſed on this ſubject, no perſon could rationally entertain any ſanguine hopes that any oppoſition to this meaſure would be attended with proper effect; perhaps the granting of a few millions of the money of the people of this country, did not appear to that Houſe to be of importance enough to make it worth their while to pay any attention to it. He ſhould have contented himſelf with giving to this reſolution, in its preſent form, his ſimple negative, if it had not been for a very alarming rumour of an unfortunate event abroad, of which he feared Miniſters had intelligence, and which he feared was too true; he meant the total defeat of General Clairfayt, together with the entire loſs of his whole camp, baggage, and ſtores, and of the taking of Courtray. Every perſon muſt feel the moſt ſincere regret at ſuch intelligence, and the general impreſſion of that circumſtance muſt add to the deſire the Houſe had to provide for the ſafety of this

country, and for ſtrengthening the power of the hands of Government. But he ſaw the ſubject now under the conſideration of the Houſe in ſo particular a point of view, under the preſent ſituation of this country, that this unfortunate intelligence increaſed his objection to the meaſure. It would be wiſer in us to claim of the King of Pruſſia his fulfilment of the treaty of 1788, and employ the reſidue of the money now about to be voted to ſome other purpoſe; for, conſidering the great difficulties we were now under, he had no objection to the two millions and a half, but he objected to this application of that ſum; and he muſt ſay, it appeared to him, that of all the topics which the Chancellor of the Exchequer had ever choſen for panegyric, none was more unſuitable than the good terms of this bargain with the King of Pruſſia; for it ſtruck him to be the moſt prodigally extravagant agreement he ever heard of. Had we called on the King of Pruſſia, and he fulfilled the treaty of 1788, we ſhould have had of Pruſſian troops for a whole year 30,000, for 600,000l., of which we were to defray four, and the Dutch two hundred thouſand. The queſtion of economy, therefore, the Miniſter could not adduce to his own advantage in diſcuſſing this bargain with the King of Pruſſia. The Miniſter had, on a former day, compared this with other ſubſidiary treaties, and with the expence of Heſſian and other troops; he ſhould have compared it with our laſt treaty with the King of Sardinia, and then we ſhould ſee the point of economy a little more diſtinctly. He wanted to know in what light to conſider the preſent ſituation of the King of Pruſſia. Was he merely a hirer of his troops (as many other Monarchs were on other occaſions) in this war? Or was he a party for himſelf, as principal in this cauſe? By the treaty between us and the King of Sardinia, there were to be employed in the common cauſe, for one year, 50,000 men, for which we were to pay 200,000l., and now we were to have of the King of Pruſſia only 30,000 men, for one year, for 1,600,000l.; the Houſe would by this ſee the ſtate of the bargain with regard to the queſtion of economy. Another thing was to be conſidered: he wiſhed to aſk whether the King of Pruſſia had the 62,000 men now completely equipped; if he had not, and we were to wait until he had them, then his ſtipulation was a groſs impoſition upon us, and we might advance our money for nothing. If, on the other hand, he had them ready, it was a groſs impoſition to call for our aſſiſtance, by way of ſubſidy, for that which he could produce without it; for it was calling, in fact, on us to aſſiſt him to complete what was complete already. In the view he had taken of this ſubject, the Houſe would ſee that we might avoid the great expence of this treaty, by calling on the

King of Pruſſia to furniſh us with 30,000 men for a year, according to his treaty of 1788, and for which we were bound to pay him no more than 400,000l., and then we might apply the remaining ſum of money, which was little leſs than 1,600,000l. in another and in a better way; for he muſt ſay fairly and openly at once, we could not prudently, after what we had witneſſed, place any confidence whatever in the promiſes or engagements of the King of Pruſſia; he meant to ſay nothing of that Prince perſonally; in what he ſaid he alluded only to the Court of Berlin; he did not mean to dwell on the conduct of that Court to Poland; it was too notorious to require a comment; but he muſt call on the Houſe to recollect, that at this moment only ten ſhort months had paſſed, ſince other Powers had entered into a convention with us not to lay down arms until every place taken by the French had been given up: this was known by the King of Pruſſia, and yet he lays down his arms in April 1794, in open violation of all faith, and the true ſpirit of treaty. Was there, therefore, any reaſon to put any faith in the pledge of ſuch a Court? For his part, he ſaw not the leaſt prudence in putting the ſmalleſt faith in ſuch pledge, or advancing a ſingle Britiſh guinea on the confidence of it.

With regard to the treaty itſelf, he ſaw in it nothing to give more confidence than ought to have been given to the other engagements. He ſaw very crafty proviſions in it for the King of Pruſſia. Mr. Chancellor Pitt ſaid, the army of the King of Pruſſia was to act in concert with others for the common cauſe; but had not the King of Pruſſia the command of them all, and might he not, from that very power, defeat the very end which we might have in view, by this treaty. Here Mr. Sheridan read ſome of the articles of the treaty, to ſhew the great care which the King had taken of our intereſt, and then he aſked what was the object of the King of Pruſſia in the manner he was to act? As he had the command of theſe 62,000 men, he had too much reaſon to apprehend that the King of Pruſſia would not act in any co-operation with Auſtria. He ſhould be glad to know what power we had over the deſtination of theſe troops. If there ſhould be any diſagreement of opinion among the combined powers, how was that difference to be ſettled? He ſaw no proviſion made that the majority ſhould decide it; all the diſcretion as to the Pruſſian troops was left to the King of Pruſſia alone. Suppoſe we were to take any towns, Dunkirk for inſtance, and we want troops to garriſon it, could we compel the King of Pruſſia to detach part of his troops for that purpoſe? He ſaw no proviſion whatever of that nature; every thing was left to the diſcretion of the King of Pruſſia. Another thing to be conſidered was, that we

were to pay the King of Pruſſia 600,000l. before he moves his army; though our Miniſter truſted him ſo implicitly, he took care for his part not to truſt any body. Now after this 600,000l. was paid to the King of Pruſſia, what ſecurity had we that he would move one man of them? After receiving the money, he might ſee ſome diſturbance in his own dominions, or in the neighbourhood, in Poland perhaps, that might be more to his intereſt to attend to, than attending to any ſubſidiary affairs for us. Thinking that this bargain was extravagant, that no faith could be placed in the engagements of the Court of Berlin, knowing that we had a right to call on the King of Pruſſia, if diſpoſed to truſt him at all, to fulfil the engagement of the treaty of 1788, by which we might have 30,000 Pruſſian troops for a year, for 400,000l. and believing that the remainder of this vote could be better applied, he ſhould move that all that part of the reſolution which related to fulfilling the engagement with the King of Pruſſia be left out, ſo that the reſolution would be confined merely to a vote of credit for two millions and an half.

Mr. MARTIN thought that this war was conducted like the American war. He had long thought before the concluſion of that war, that the Miniſter who conducted it ought to be brought to account for it: he would not ſay any thing harſh of a man who was now no more, but he was ſorry, on public ground, that he had not been brought to account; for if he had, he believed in his conſcience this war would not be now conducted as it was.

The reſolution was then read a ſecond time, and Mr. Sheridan's amendment put.

Mr. FOX ſaid, that after having delivered his ſentiments upon this ſubject in general, he ſhould now confine himſelf to a few points: on the preſent occaſion, he ſhould confine himſelf chiefly to the terms of this treaty as a queſtion of expence; not that he approved of its other parts, but becauſe they had been already debated. We were paying 1,600,000l. for thoſe troops, and if the war laſted for another year, we ſhould pay 1,600,000l. a year for 30,000 troops. Now, if we looked at any other treaty, we ſhould find this a larger price than we paid for the aſſiſtance of troops over which we had the whole command; but if we had no command at all over them, the caſe was enormous indeed. If we conſidered them as the troops of a Prince engaged in the war, why then we muſt naturally look to the treaty we had with the King of Sardinia:—by that we had 50,000 troops for a year for 200,000l. Here we paid 1,600,000l. for 62,000 troops: he deſired this compariſon to be made. Mr. Fox then made ſeveral other compariſons

with other treaties, and maintained that, by the beſt calculation, the proportion againſt us between this and other treaties, was ſome of them fourteen to one, and the loweſt above ten to one, againſt us. He again took notice of the ambiguous ſituation of the King of Pruſſia; for, when the queſtion between us and him was a queſtion of expence, he ſays, "I am not intereſted in this war as you are, and I ſhall not proceed, unleſs you bear a great ſhare of the expence." When the queſtion was a queſtion who ſhall have the command of the troops to be paid for by us, then he ſays, "I am a principal in the war, as well as yourſelves, and as deeply intereſted; and, therefore, I muſt have the entire command of all my troops." This, Mr. Fox ſaid, was really intolerable; this was a tricking, ſhifting, ſhuffling behaviour of this Prince, acting, no doubt, from the advice of his Council; but that was no reaſon why the people of this country ſhould be dupes of ſuch knavery. He wiſhed to have the ſituation of the King of Pruſſia fairly ſtated; and taking this treaty which way we pleaſed, ſtill, on the queſtion of expence, comparing it with others, it was fourteen and ten to one againſt us. He ſhould therefore hope that the Houſe would a little conſider whether they could anſwer to themſelves and their conſtituents, in the large ſenſe of the word, the people of this country, for having, in a few days, voted ſuch an enormous ſum of money, without having any opportunity of converſing with the people on the ſubject. He would wiſh to aſk them, whether by ſuch conduct they entitled themſelves to the character of faithful ſtewards? It was too much that the wealth of this country ſhould be ſhamefully laviſhed and prodigally ſquandered away to gratify any unprincipled rapacity, or contemptible fineſſe, of any Prince or any Court in Europe.

Mr. Chancellor PITT remarked, that the right honourable gentleman who had ſpoken laſt, and the honourable gentleman who had preceded him, ſeemed eſſentially to differ from each other as to the nature of the objections which had been urged againſt the preſent meaſure. One honourable gentleman (Mr. Sheridan) had ſtated, that this plan of ſubſidiſing the King of Pruſſia was principally to be objected to on account of the expence with which it was attended; and in order to demonſtrate the greatneſs of this expence, he had entered into a compariſon of the expence which would have attended the payment of 30,000 men, under the ſtipulations of the treaty of 1787, when compared with that which would attend the payment of theſe troops under the ſubſidy treaty in queſtion, as if there was no difference between complying with the terms of an antecedent treaty, which was a *caſus fœderis*, and the coming to a

fresh agreement without any antecedent contract. On this distinction he trusted that the House would see the impropriety of the economical arguments of the honourable gentleman, and therefore he should say no more upon it. To the other right honourable gentleman (Mr. Fox) who had said that the terms of the treaty left the House in a state of uncertainty as to the future part the King of Prussia was to take in the war; the best answer that could be given was by an appeal to the part which that Monarch had taken in the present transaction. From the consideration of it, it would appear that the King of Prussia had still declared his resolution of acting as a principal in the war, but that, in order to enable him to do so, it was requisite that he should obtain some supply from the superior wealth, resources, and revenue of this country, which was engaged in the same cause with himself. That the observations with regard to the extraordinary and exorbitant expence of hiring these men were ill founded, would appear from comparing the amount of this subsidy with the expence attending the levying an equal number of Hessian, Hanoverian, or British troops. The right honourable gentleman (Mr. Fox) had found fault with this treaty, because the money to be expended was to be laid out for the purposes of foreign war, and not for the immediate defence of his own dominions, though an objection of a directly contrary nature was stated with regard to the subsidy treaty with the King of Sardinia; and as this reasoning was so inconsistent with itself, he was confident the House would pay little attention to it. He would conclude by shortly remarking to the House, that the subsidy treaty in 1756, was, for the reasons he had before stated, essentially different in all its circumstances; and leave the question without farther comment.

The House then divided, and there appeared—

For the amendment 32; Against it 82.

The House adjourned.

Monday, 5th May.

Mr. ROBERT THORNTON brought in the bill to enable Members of Parliament to make contracts with Government.

Mr. SHERIDAN said, he had expected to hear something in explanation of the motives upon which this bill was introduced: it went in part to repeal an act of Parliament, which had been made after mature deliberation, and which hadbeen hitherto attended with very great benefit to the country: on this account he should oppose it in the present stage.

Mr. JOLIFFE said, if the bill was suffered to be brought in

and discussed, he entertained no doubt but the scruples of his honourable friend would be entirely removed.

Mr. SHERIDAN said, that if the honourable gentleman would propose some day for the second reading, when there should be a full attendance, he should for the present withdraw his opposition.

Mr. THORNTON said, that he should propose Thursday next, when there would be a full House, as he understood the honourable Member had a motion to come on that day.

The bill was then read a first time, and ordered to be read a second time on Thursday.

Mr. SHERIDAN rose and stated, that among the orders of the day, one stood for taking into consideration the report of the Aberdeen bill; and also notice of a motion for discharging the order for the petitioners against that bill being heard by Counsel. The House very well knew that this bill was opposed by 2700 petitioners, many of them people of great property and respectability, who would be ready to support a bill upon proper principles, if it were at all necessary. So it happened, however, that the Corporation, or Town Council, had in their management sufficient funds for paving, lighting, and supplying with water the town of Aberdeen. The petition on the table so stated the case, and evidence was ready to be produced in support of it. Notice, however, had been repeatedly given that a motion would be made to discharge the order for hearing the petitioners by Counsel at the Bar—this to him appeared very extraordinary indeed, and what he could hardly suppose was meant seriously. It might so happen, however, that those who were anxious to support the bill, with a view to push it through, might seize an opportunity in the absence of those Members who wished to aid the petitioners in opposing a very improper measure, and the House, taken by surprise, might discharge the order.—Where the interests of so many thousands were concerned, he should think this a very hard case. It now must appear very certain to the gentlemen who supported the bill, that it was impossible to carry it through in this late period of the session. The people of Aberdeen were undoubtedly the best judges of their own affairs. The business might be safely trusted to the operation of their own judgement and good sense. Counsel had repeatedly attended, but it so happened that there was no House to hear them. The remaining part of the session might be spent in the same unprofitable, and to the petitioners, very expensive mode of procedure. He would therefore move that the order for the taking this business into consideration should be put off to this day three months.

Mr. FERGUSON ſaid, he could not believe the honourable Member ſerious in what he propoſed. The honourable Member who brought in the bill having juſt ſuffered a ſevere domeſtic loſs, was unable to attend. In his abſence he had taken the charge of the buſineſs. Aberdeen was a town of great reſpectability; after Edinburgh and Glaſgow, the third in Scotland. It was alſo the ſeat of an Univerſity, and yet nothing had been done to furniſh it with pavements, lamps, and water. It was ſurely hard that Aberdeen, which enabled the citizens of London to walk with comfort over its granite pavement, ſhould be denied the privilege of paving its own ſtreets. He thought the bill a very fair one, and ſhould certainly reſiſt the motion.

Serjeant WATSON obſerved, that if the matter was ſo very intereſting, the beſt method of doing it juſtice was to give it a fair hearing. Let the Counſel be called in and heard, and then it would be ſeen on which ſide the matter of right and property lay.

Colonel MACLEOD ſaid, that it would be readily allowed that he was better acquainted with the city of Aberdeen than the learned Serjeant. He thought the bill exceedingly improper. A petition from 2700 perſons had been preſented againſt the bill. A petition had likewiſe been preſented in favour of it, ſigned by only 156 perſons. To make up this number 156 (the fact would appear merely from looking at the petition) many women, the gaoler, and many Members of the Town Council had ſigned, and even ſeveral trading companies had ſigned firſt the firm of the company, and then the partners had ſigned again as individuals. A petition ſo ſubſcribed, when ſo reſpectably oppoſed by thoſe who had a deep intereſt at ſtake, he could not help thinking deſerved juſt that notice from the Houſe, which his honourable friend had propoſed. He certainly ſhould ſupport the oppoſition of the very reſpectable body of the inhabitants who would be affected by the bill. It appeared to him to be a rule, to which the Houſe ſhould attend, and to which they always hitherto had attended, that in a local bill to impoſe a local tax for local purpoſes, the concurrence of the people to be affected by it, ſhould be previouſly obtained—otherwiſe it ſhould receive no countenance in that Houſe. There was, however, ſufficient funds in the hands of the Town Council, and the purpoſe of the bill was to lock up thoſe funds, and in place of them to draw a heavy tax from the pockets of the inhabitants; this was the plain ſtate of the caſe. When in the North he had not obſerved any deficiency of thoſe articles in Aberdeen, the want of which had been ſo pathetically lamented. Such a bill was a proper object of

opposition, and he should certainly oppose it, by every means in his power.

Mr. WIGLEY said, the inference appeared to him to be strange, that because the business was interesting to thousands, therefore the hearing should be delayed. He could not well conceive this mode of reasoning, and would therefore move an amendment, by leaving out the words "this day three months," and inserting "to-morrow."

Mr. SHERIDAN said, certainly the Counsel might be called in and heard, but by whom? By the Speaker, and by one, two, or three Members. It was well known that at this advanced period of the session, such was the manner in which the hearing would be attended; but was it a manner befitting a subject, in which the interests of many thousands were involved? Notice had three times been given of a motion to discharge the order for hearing the Counsel—and for what reason? Had the Counsel and witnesses failed to attend—that would have been a good reason—but was it the fact? Certainly not. From day to day the Counsel and witnesses had attended, and why were they not heard? Because there was nobody to hear them—because the judges were not in Court, were suitors to be denied the benefit of being fully and fairly heard? It was for this very reason he had made the motion. If the good people of Aberdeen could not settle their differences at home, which this would give them an opportunity of doing, and he hoped it would so happen, then let them be heard at a time when gentlemen would attend and give them a patient and full hearing: he should therefore adhere to his motion, as being, in his opinion, proper and consistent.

Serjeant WATSON professed not to be so much connected with the North as the honourable Member opposite (Colonel Macleod), but he had heard enough from his friends in that quarter, to satisfy him that the bill was such as to entitle it to the attention of the House. Perhaps there might be funds as was stated, but powers might be wanted to open and enlarge streets, or remove incumbrances.—He would certainly therefore vote for the amendment.

After a few words from Colonel Macleod, the question was put; and there not being a sufficient number of Members present to make a House, it was of course adjourned.

Tuesday, 6th May.

The bill for granting His Majesty 2,500,000l. to enable His Majesty to make good his engagements with the King of Prussia,

and for other purpofes, was read a firft, and ordered to be read a fecond time.

The Vote of Credit Bill was read a fecond time, and committed for to-morrow.

A bill was ordered in to explain and amend the Public Accounts act of 25 Geo. III. and read the firft time.

The Refolutions of the Committee on the ftanding orders, refpecting Navigation Bills, were reported and agreed to, with amendments and alterations, and declared ftanding orders, and ordered to be printed and diftributed.

Thurfday, 8th May.

Mr. SHERIDAN faid, that he could not think of bringing forward his motion for a repeal of the laws againft Roman Catholics and Diffenters, unlefs his Majefty's Minifters were prefent; and as he did not fee them in their places, he would defer the motion to a further day. Perhaps it might not come to his turn to bring it on at all; for he hoped that Minifters would take it up, from whom a meafure of that kind would come much better than from him. Monday next was fixed upon for the motion.

Mr. SHERIDAN oppofed the fecond reading of the bill to enable Members of that Houfe to contract for the Army and Navy, which was put off to Monday next, (the honourable mover not being then in his place) on which day, Mr. Sheridan faid, he would move to have it rejected.

Friday, 9th May.

Mr. Secretary DUNDAS rofe and faid, that the meafure which he had to propofe had for its object the building of a houfe or houfes for the employment of felons, whofe crimes were not of that magnitude as to exclude all hope of reformation. The ground which had been affigned for this purpofe was in the parifh of Batterfea, and had been eftimated at 6,000l. adjudged by a jury. The object of the bill being well confidered, he hoped no gentleman would oppofe the principle of it, and therefore he would move for leave to bring in a bill for the purpofe of erecting a penitentiary houfe or houfes, on a piece of ground affeffed by a jury for that purpofe, in the parifh of Batterfea in Surry.

On the fecond reading of the bill for protecting Woolcombers from the loffes they would fuftain by the ufe of certain machines for reducing manual labour, the queftion was put that the faid bill be committed, there appeared,

For the commitment 24; againft it 67.

Monday, 12th May.

On reading the order of the day for the second reading of the bill for enabling Contractors to sit in Parliament,

Mr. CHISWELL, after a few observations, moved, "that this bill be read a second time this day two months."

Mr. BUXTON said, he would have been better pleased if this bill had not been brought into that House at all. He thought that the time when the bill passed to prevent Contractors from sitting in this House was a glorious æra in the history of this country. He expected something like a promise to be made now, that this bill should not be brought forward again, otherwise he would think it adviseable to move, that this bill be now rejected.

The SPEAKER said, that in point of regular proceeding, the motion for the rejection of the bill could not be made on the day on which the order stood for the second reading; but it would be competent for any Member to move for the rejection of it at any time afterwards.

Mr. CHISWELL said a few words.

Mr. ROSE was of opinion that there were circumstances which would prevent this measure from passing at any time.

Mr. BAKER thought this was a measure which ought never to have been brought forward, and he hoped it would never be heard of again.

The second reading of the bill was then postponed to this day two months.

Mr. DUNDAS brought down the following Message from his Majesty:

GEORGE R.

His Majesty having received information, that the seditious practices which have been for some time carried on by certain Societies in London, in correspondence with Societies in different parts of the country, have lately been pursued with increased activity aud boldness, and have been avowedly directed to the object of assembling a pretended General Convention of the people, in contempt and defiance of the authority of Parliament, and on principles subversive of the existing laws and Constitution, and directly tending to the introduction of that system of anarchy and confusion which has fatally prevailed in France, has given directions for seizing the books and papers of the said Societies in London, which have been seized accordingly; and these books and papers appearing to contain matter of the greatest importance to the public interest, His Majesty has given orders for laying them before the House of Commons; and His Majesty recommends it to the House to consider

the ſame, and to take ſuch meaſures thereupon as may appear to be neceſſary for effectually guarding againſt the further proſecution of thoſe dangerous deſigns, and for preſerving to His Majeſty's ſubjects the enjoyment of the bleſſings derived to them by the Conſtitution happily eſtabliſhed in theſe kingdoms.

G. R.

Mr. Dundas then obſerved, that as the papers alluded to were very voluminous, it had not been as yet determined whether it would be more proper to lay the whole or extracts of them upon the table of the Houſe. He moved, however, that the Meſſage be taken into conſideration to-morrow, intending at the ſame time, if the papers ſhould not then be ready, to defer the conſideration to a future day, which was agreed to.

The Meſſage was ordered to be taken into conſideration to-morrow.

Tueſday, 13th May.

On a motion being made for the third reading of the bill for preventing unneceſſary Delays in Elections,

Mr. POWYS roſe and ſaid, that he was glad there was ſuch a full Houſe, as the importance of the clauſes introduced in this bill ſince it had been originally propoſed, demanded, he thought, the moſt mature deliberation. He ſhould not, he ſaid, at this ſtage of the buſineſs, at all have diſſented from it, were it not that the parts which he thought objectionable, or at leaſt ſo doubtful as to demand further conſideration, were introduced ſince the bill was firſt read. At all events, he contended that the Houſe ſhould not now unadviſedly or raſhly paſs it with thoſe proviſions, as the poſtponing it to another ſeſſion could be attended with no evil ſo great as that which might poſſibly ariſe from its paſſing into a law. He therefore moved to ſubſtitute "this day three months," inſtead of the word "now."

Mr. FOX ſaid, that as the principle of the bill, and that of the clauſes ſubſequently introduced, were exactly the ſame, and as that principle had been almoſt unanimouſly acceded to by the Houſe, in the antecedent ſtages of the buſineſs, he could ſee no grounds on which it could now be objected to, but thoſe of irregularity, if any there was: but he contended, that, on the contrary, all the forms and orders of the Houſe had been ſcrupulouſly adhered to; and he himſelf had, when propoſing the additional clauſes, moved, in order to reſcue the proceedings from the imputation of irregularity, that it ſhould be an inſtruction to the Committee to

take them into their consideration. What was still more, the bill was a second time recommitted, and the sense of the House taken upon it, if not by a division, at least by an ample discussion, which ended in their agreeing to it. As this was the case, and as not only the letter, but the substance and the spirit of the forms and orders of the House, had been strictly adhered to, he hoped the bill would be allowed to pass without further delay.

The MASTER OF THE ROLLS agreed, that the orders of the House had been complied with; and said, that if the bill had been suffered to go through the House without any alteration from its original structure, he should not have opposed it: but had he been in the House when the additional clauses were proposed, he should have set his face against them. For, what was the principle of the bill? It professed to be a bill to shorten the duration of elections—a measure he heartily approved of. But what did it amount to now? Nothing less than a bill to do away an established test. This, however proper it might appear to be after, should not be done before discussion and consideration. He would not deny that it might be proper to abrogate those oaths; but he thought it was rather hastily attempted, considering the great importance of the measure. He would not say, either, that it was not proper to give Roman Catholics a right to vote; but he observed, that this bill did not substitute, in the place of the abrogated oaths, even so much as the oath enacted by the Roman Catholic Bill passed two years ago, at the requisition of the Catholics themselves; and he could see no reason why the House should not provide that test, at least, which the people themselves had offered.

Mr. DENT was against postponing the bill.

Mr. BURKE said a few words against postponing of the bill. He professed that the enjoining of unnecessary oaths was very improper, whether the subject was considered in a moral, a religious, or a political point of view. The sacredness of an oath, he said, should be preserved in all possible purity, and not blurred with light and needless over use. As to the oaths proposed to be expunged from the forms of election by this bill, he was convinced, and so he believed was the House, that they were useless and superfluous, and were therefore, he insisted, very improper to be administered; for oaths, if not absolutely justified by necessity, became criminal, and were in fact a tax upon the conscientious, but no barrier at all to the disaffected or seditious. He was therefore against postponing of the bill.

Mr. Chancellor PITT said, that he agreed with his right honourable friend (the Master of the Rolls), that the bill should be

postponed, as a doubt had arisen respecting the expediency of repealing the oaths on the one hand, and as no material injury could arise from the delay of it on the other.

Mr. Powys's motion, therefore, passed without a division; and the bill of course was rejected *pro tempore*.

Mr. DENT directly moved, "for leave to bring in a bill, directing the appointment of Commissioners for the purpose of taking such declarations and oaths as are at present required by law, to be taken previous to the act of voting at the election of any Member of Parliament." This was agreed to, and Mr. Dent and some other gentlemen directed to bring it in.

Mr. Secretary DUNDAS brought up a packet sealed, containing the books and papers of the different Societies alluded to in the King's Message of yesterday. He then moved the order of the day for taking into consideration the Message from His Majesty. The Message being read,

Mr. Chancellor PITT said, that as the House must already be in full possession of the nature of the facts to which their attention was called by His Majesty's Message, it was not necessary for him to detain them with many words upon it. He should therefore content himself with moving, with as much precision as possible, the measures he thought it might be expedient for the House to adopt. The first was one in which he presumed to hope, that all would concur as of course—he meant the Address of Thanks to His Majesty for his gracious Message, and an expression of their resolution to take the matter referred to in it, into their serious consideration. If this motion was agreed to, which he flattered himself it could not fail to be, with even cordial unanimity, he would then, he said, move to refer the papers to the consideration of a Committee; and on that move, that such Committee should be a Committee of Secrecy, as most conformable to customary practice, and best adapted to the particular circumstances of the case. The papers, he remarked, were sealed up, and in that state laid by His Majesty before the House; for as they related to transactions of an extraordinary, formidable and criminal nature, and contained matter that implicated a great number of persons, it was fitting that the examination of them, which would necessarily take up some time before any effectual step could be taken, should be as secret as possible, in order that the measures which the House might be in future disposed to adopt should not be evaded by the matter contained in the papers transpiring prematurely. The House would therefore see the propriety of first referring them to the consideration of a Secret Committee, from whence the whole of the

transactions would be laid open at a view to the public; and of not rendering their future measures abortive by a premature or partial disclosure. He therefore moved, that an humble Address be presented to His Majesty, to return him thanks for his most gracious Message; to assure His Majesty, that the House will immediately take into its serious consideration the subject recommended to them by His Majesty; and to assure His Majesty, that they will adopt such steps as shall appear to them necessary in a matter so highly important to his Majesty's dominions.

Mr. FOX said, he did not rise up for the purpose of opposing the present motion, as he conceived it to be in some sort a thing of course, but merely to say a few words preliminary to his acceding to it; and he was the less inclined to oppose it, as he conceived that his assent in no way precluded him from exercising his right to discuss the various subjects referred to in the Message when they came properly before the House; and that the questions, whether the object before them was properly fit for their investigation? What the means were by which the papers were procured? Whether the seizure of them was constitutional and legal? And whether the mode of collecting the information respecting them were justifiable? were still as open to the investigation and discussion of him and every other Member, as if they refused their assent *in limine* to the Address. But what he chiefly wished to remark was, that if the papers were sealed up, and the contents therefore unknown to the House, he thought it would be rashness to refer them to a Secret Committee, unless precedents were first adduced upon which to ground such a measure; for of all modes of proceeding, the steps which had been adopted in the present case seemed to him to be those which was most necessary to watch over with vigilance.

Lord WYCOMBE said, he had not any intention of opposing the motion; far be it from him to deprecate the inquiry which it would lead to; if there did exist any design to subvert the Constitution, or betray its interests, inquiry should be instituted, that the object of persons having such designs should be made known. If there had been guilt, the guilty should be punished. If there had been imprudence, the imprudent should be exposed, in order to put an end at once to all those suspicions, jealousies, and perhaps groundless apprehensions which had so long been entertained in this country. But all proceedings, he conceived, should be open, that unmerited suspicion might not take place. He spoke upon this subject without the least influence; he had not the honour of belonging to any of the societies to which the communication from the Throne referred; but if it should appear that the persons alluded

to had only in view an object which was professed by many, he did not find himself disposed to censure them, if they had pursued that object with activity and boldness; on the contrary, he felt himself much inclined to defend those who are desirous of obtaining a Parliamentary Reform.

The question was then put, and the Address was carried *nem. con.*

Mr. Chancellor PITT then moved, "That the papers presented to the House be referred to a Committee."—Ordered.

He then moved, "That the said Committee be a Secret Committee."

Mr. FOX said, he should have hoped there would have been a precedent for this measure. The object of the communication was by no means distinctly stated in the message itself, so as to enable him to judge whether there was any force in the Minister's argument upon that subject. The means of the prosecution in this case were in the hands of the Crown, in which prosecution the Crown called upon the House to take a part. He wished to know what was the object of the Crown upon this business; for although that House was the grand inquest of the nation, and its inquisitorial power was the corner-stone of the building of our constitution, yet, if the object was the impeachment of any person, he did not think it necessary that a recommendation of such a measure should come from the King. He did not see why this business should be referred to a secret Committee. Either precedents should be quoted in which the practice of the House was clearly in favour of this measure; or it should be shewn that the present was so different from every other case, as to warrant a deviation from all rule.

Mr. Chancellor PITT said, that he had no difficulty at all in shewing that the mode he proposed was both founded in wisdom and expediency, and supported by precedents. The practice, he said, had invariably been, when papers were laid before the House, sealed up, to refer them to a secret Committee. In support of this assertion, he could cite a variety of precedents; one, in particular, in the year 1722, namely, Layer's Plot, in which the papers were sent sealed to the House, and were referred to a secret Committee. As to the expediency of the mode, he confessed that he was much surprised on what principle of reasoning the right honourable gentleman, having agreed to its being referred to a Committee, should object to at being a Committee of Secresy, when the obvious nature of the se (more strongly denoted by the mode in which the papers were d before the House) shewed that the most secret investigation was ssary. Mr. Pitt then conjured gentlemen to recollect what the

object before them went to; it touched, he said, nothing less than the very being of Parliament itself! How, then, could they think of throwing any impediment or objection in the way of an investigation which peculiarly belonged to themselves; which concerned their present existence, and which tended to their future security? What the result of the inquiry might be, he would not presume now to assert; the House would, on the report of the Committee, take such measures as would appear most conducive to the security of the constitution. They might possibly interfere themselves; they might possibly refer it to the common course of law; but, previous to taking any step, they must investigate and examine; and that examination could not be made with too much secresy. He put it to gentlemen to say, whether, considering how nearly it touched the very existence of Parliament, it would have been right for the Executive Government, on discovering and seizing those documents, to delay laying them before the House, for the purpose of examining, arranging, or selecting from them?—No; the earliest communication possible was made from the King; and that communication, followed up by the wise, secret, and salutary measures which he was sure the House would adopt, could not fail of producing very different consequences from those which might reasonably be expected from giving the affair premature publicity.

The case of Layer, as stated by Mr. Pitt, was then read by the clerk.

Mr. FOX said, that previous to those papers being brought up, and referred to a Secret Committee, the House had been in possession of the business; he thought, therefore, that it did not apply to the present instance.

Mr. Chancellor Pitt's motion was then put and carried.

He then moved, "That the number of the Committee be twenty-one."

Mr. FOX said, that there were many things he wished to know respecting this transaction—First, what the mode of getting those papers was? For, he said, there was an ambiguity in the words of the Message, which left him at a loss to determine; and he therefore wished to know on which of the grounds stated in it the seizure had been made. Was it only on the grounds of the seditious practices, or on an allegation that the persons implicated had entered so far on the execution of the plan of a General Convention, as to be guilty of an overt act of treason? As a Member of the House of Commons, and a friend to the constitution, he respected the opinions of Parliament; and it was a resolution standing on the journals of that House, that seizing the papers of a person accused of a

libel, was illegal, founded on the principle that ſuch an extreme ſtep ſhould not be taken, unleſs there was an actual allegation for treaſon or felony. He therefore inſiſted, that by the reſolutions of that Houſe he was warranted in ſaying, that ſeizing papers for ſeditious practices, or for any thing ſhort of treaſon, was illegal. If, then, the preſent ſeizure was made on an allegation for ſeditious practices alone, it was, according to the declared ſenſe of the Houſe, illegal; if otherwiſe, it might be legal. He therefore wiſhed that the Houſe was informed which it was. The caſe he alluded to, occurred, he ſaid, in 1766. It was diſcuſſed and determined on the generality of the warrant. He therefore preſſed the Miniſter to give an anſwer to the queſtion he had put, as he was averſe to countenance any thing that militated againſt the reſolutions of that Houſe.

Mr. Secretary DUNDAS ſaid, that what the ſubſtantial grounds of ſeizure were, the Houſe would judge on inquiry; but he would at preſent ſolve the right honourable gentleman's doubts, by telling him, that the warrants were grounded on allegations for treaſonable practices.

Mr. Chancellor PITT then ſaid, that he believed the cuſtomary mode of forming ſuch Committees, was by ballot; which

The SPEAKER agreeing to, the ballot was appointed for to-morrow.

The SPEAKER then ſaid, that it was always cuſtomary, in caſes of ſealed papers being laid before the Houſe, to deliver them to the cuſtody of the clerk.

A motion to that effect was therefore made, and carried, *pro forma.*

Wedneſday, 14th May.

Lord STOPFORD informed the Houſe, that he had waited on His Majeſty with the addreſs of thanks for His Majeſty's meſſage, which was moſt graciouſly received.

Mr. GREY preſented a petition from about 300 priſoners confined in the Fleet Priſon, praying relief under the bill now pending in the Houſe for the relief of inſolvent debtors. Ordered to lie on the table.

The Houſe proceeded to ballot for the Committee of Secrecy, for taking into conſideration certain ſeditious and treaſonable papers.

The Committee conſiſts of the following gentlemen:

Rt. Hon. William Pitt	Right Hon. W. Windham
Right Hon. Henry Dundas	The Attorney General
Right Hon. Welbore Ellis	The Solicitor General

Lord Advocate of Scotland
Thomas Grenville, Esq.
Right Hon. Thomas Steele
The Master of the Rolls
Hon. R. Banks Jenkinson
Sir H. Houghton
Earl of Upper Offory
Thomas Powys, Esq.
Earl of Mornington
Lord Mulgrave
Isaac Hawkins Browne, Esq.
John Anstruther, Esq.
Thomas Stanley, Esq.
Right Hon. C. Townshend
Right Hon. Edmund Burke.

Five to be a quorum, with power to adjourn from time to time, and place to place, and to sit, notwithstanding the adjournment of the House. Committee to meet to-morrow.

Thursday, 15th May.

Mr. SHERIDAN was again obliged to postpone his long-expected motion to Monday next. He had received a note from Mr. Secretary Dundas, which informed him, that His Majesty's Ministers, detained by important business, could not attend their duty in the House of Commons this day. He had hoped that this motion would not have been opposed; but he now understood that it would. On Monday he would certainly bring forward the subject.

Friday, 16th May.

Mr. WINDHAM moved, "That the Committee balloted to examine the papers laid before them by the King's command, have leave to sit during the sitting of the House." Ordered.

"That they have leave to report from time to time." Ordered.

The MASTER OF THE ROLLS moved, "That the order of the day on the bill for granting relief in certain cases to insolvent debtors, be read," which being done, he observed, that this was a bill of great importance, and required the attention and serious consideration of the House. He wished it to be observed, that this was not a bill for altering the law, or for making any permanent regulation with regard to debtor and creditor. It was nothing more than a bill for the relief, under certain conditions, of certain debtors now in confinement. He wished, as much as any person, that there was some permanent regulation made upon that subject; but he hoped nothing of that sort would be attempted to be introduced in this bill, because he feared that, under all the circumstances, it would be fatal to it. He thought it would be proper to postpone it for the present; and therefore he moved, "That the further consideration of this bill be postponed to Tuesday next." Ordered.

Mr. Chancellor PITT brought up the report of the secret Committee, [Vide the first Report of the Secret Committee, printed for

J. Debrett, Piccadilly,] which being diſtinctly read, he ſaid, that the Houſe had already heard the buſineſs ſo amply ſtated in the report of the Committee, that it would hardly be neceſſary for him to do more than recapitulate the general obſervations, and point out to them the leading heads contained therein, ſo as, from the whole, to deduce the great inference on which he meant to ground the meaſure intended for the conſideration and adoption of the Houſe that night. He then entered into a detail of the proceedings of the Committee, ſo far as they had gone, and ſaid that they had, in the report which now lay before the Houſe, opened to their view the general outlines of a picture of which the more minute circumſtances ſtill remained to be inveſtigated, but which, from the obſervations they had been able to make, would be found altogether to compoſe a plot of a moſt atrocious and alarming nature againſt the State, not exiſting merely in idle theory or impotent menace, but digeſted, matured, avowedly declared to be acted upon, and in conſiderable forwardneſs to execution. This plan, it appeared from the report, was, to form a Convention; which Convention was to aſſume to itſelf all the characters and offices of Government, to uſurp the whole delegated authority of the nation, and arrogate to itſelf the whole legal juriſdiction of the country. In conſidering this ſubject, he ſaid it would be for the Houſe to decide, whether the Convention propoſed to be formed originated in the ſame ſpirit, was proſecuted by the ſame unwarrantable means, and pointed to the ſame end, as the Committee had ſtated it; and if it was, the Houſe muſt likewiſe draw a ſimilar inference with them from the premiſes, and ſee that they obviouſly led to the ſame practical concluſion, namely, that the object of it was the total ſubverſion of the Conſtitution, the annihilation of Parliament, and the deſtruction of the King himſelf; and then, if ſuch a plan did appear to be not only in agitation, but in a great degree of forwardneſs towards execution, the Houſe would ſee that there was not a moment to be loſt to arm the Executive Power with every means which the Parliament could delegate, to ſtop the further progreſs of the plot, and baffle its final execution. He obſerved, that it was chiefly neceſſary that the Houſe, in conſidering the report, ſhould recollect, that a great part of it was merely introductory; and that, though it ſtated tranſactions of a date long antecedent to the period in which the acts of the ſocieties implicated aſſumed the ſerious aſpect of practical treaſon, and though they were of notorious publicity, it was yet neceſſary to bring them forward anew to obſervation, to make them a clue by which to unravel the complicated circumſtances of the plan, and, by compariſon and combination of thoſe with their ſubſequent

proceedings, to ſhew, that from the beginning their views were the ſame, and that the pretext of reform under which they maſked them was far from being the true object of their intentions. The Houſe would alſo, he hoped, carry along with them, that the Committee, having been as yet ſtinted in point of time, were unable to digeſt maturely, or point out diſtinctly, the various minute parts that formed the great and momentous buſineſs before them; but in order to give the Houſe, as ſoon as poſſible, poſſeſſion of ſo much of it as might ſerve to mark out the daily increaſing approximation of danger, the Committee had, in examining and making up their report, kept in view the great object, the leading deſign of the plan: for it was not, he ſaid, to be imagined, that the diſtance of the tranſactions in point of time, and the fact of their being previouſly known, made them the leſs material as comments on thoſe parts of their conduct which were now diſcovered in maturity. It would appear, he ſaid, from the report, that the papers found, as far as they related to that part of the conſpiracy which immediately implicated the correſponding ſociety, and that for conſtitutional information, contained two years of correſpondence with various other ſocieties in this and a neighbouring country; and that from theſe, coupled with ſubſequent and recent proceedings, it was evident that thoſe ſocieties which would be found to be now ſetting on foot a Convention, had had it in contemplation from the very outſet; that it was conceived ſo long ago as two years back, was openly avowed in their correſpondence, but kept in reſerve to be reduced to practice as ſoon as a proper occaſion ſhould offer. This whole ſyſtem of inſurrection, he ſaid, would appear, from the papers found with them, to be laid in the Rights of Man, that monſtrous doctrine, under colour of which the weak and ignorant, who are moſt ſuſceptible of impreſſion from ſuch barren abſtract ſpeculations, were expected and attempted to be ſeduced to overturn Government, law, property, ſecurity, religion, order, and every thing valuable in this country, as they had already overturned and deſtroyed every thing in France, and endangered every nation in Europe. And however gentlemen might ground arguments againſt the precautionary meaſures taken to prevent the evil effects of that pernicious doctrine, on the contemptibility of the authors, and abſurdity of the principles of thoſe books which inculcated it; yet he, allowing the one to be in the extreme contemptible as the others were abſurd, would inſiſt upon it, that it was no light or trivial circumſtance, when, deduced from it, principles were promulgated and eagerly adopted by large bodies; and when the proceedings of all thoſe Jacobin Societies would appear, as the papers before the Houſe would

fully demonſtrate, to be only comments on that text, a text for the inculcation of which thoſe ſocieties were the diſciples here, as their correſponding French brethren were the inſtruments for diſſeminating it in France, and extending and recommending it by carnage and ſlaughter to all other parts of Europe. It would appear, he ſaid, not only that prior to the enormities committed in France, a correſpondence was carried on between thoſe ſocieties and the Jacobin Club in Paris, and that delegates were ſent from them to and received formally by the National Convention; but that at the very moment when the Jacobin Faction which uſurped the Government of that country had commenced hoſtilities againſt Great Britain, thoſe ſocieties ſtill, as far as they could, purſued the ſame conduct, expreſſed the ſame attachment to their cauſe, adopted their appellations, forms of proceeding and language, and in ſhort had formed a ſettled deſign to diſſeminate the ſame principles, and ſow the ſame ſeeds of ruin, in their own land. They would find, he ſaid, not only the moſt effectual plans that cunning could deviſe laid to carry this deſign into practice, but would ſee in the report the catalogue of manufacturing towns marked out, as the moſt likely, (from the vaſt concourſe of ignorant and profligate men who neceſſarily collect in ſuch places) to adopt their plans, and correſponding ſocieties eſtabliſhed there, to keep up the great chain of ſeditious intercourſe, and promulgate and give it univerſal circulation: they would find a well-choſen ſelection of thoſe places, where thoſe people dwelled who were naturally ſuppoſed to be moſt ready to riſe at the call of inſurrection, who were moſt likely to be blinded by their artifices, and prejudiced by their profeſſions, whoſe underſtanding was moſt ſubject to be miſled by their doctrines, and rendered ſubſervient to their views, and whom fraudful perſuaſion, proneneſs to diſcontent, and the viſionary and fallacious hope of mending their condition by any alteration of it, would be moſt likely to raiſe into an enormous torrent of inſurrection, which would ſweep away all the barriers of Government, law and religion, and leave the country a naked waſte for their uſurped authority to range in. In conſidering the ſubject, he ſaid the Houſe could not but remark the extraordinary manner in which thoſe ſocieties varied their plans, ſometimes acting in undiſguiſed audacious hoſtility, ſometimes putting on the maſk of attachment to the State and country, this day openly avowing their intentions, as if purpoſely to provoke the hand of Juſtice; the next putting on the maſk of reform, and affecting the utmoſt zeal for the preſervation of the Conſtitution. "We ſee, (ſaid he) in their letter to the Society at Norwich, a plain avowal of the object at which they aimed; an apology for deigning to apply to Parliament;

and a candid, ſincere confeſſion, that, not to Parliament, nor to the Executive were they to look for redreſs, but to the Convention which they propoſed to erect, and to themſelves; but afterwards they recommend perſevering in petitioning for reform to be uſed as a maſk to their deſigns, which they were to throw off when time ſerved, and a period propitious to their views ſhould arrive. Happily for this country, and for the whole world (ſaid he), they prematurely thought that period at hand, and threw off the maſk, juſt when the bulk of the nation unanimouſly united with Government in vigilance and care for its protection, and in the reſolution to oppoſe their efforts." He ſaid, that by a due attention to the correſpondence of this Society, the Houſe would find, in their communication with the Britiſh Convention at Edinburgh, which ſtill retains ſome flimſy remnant of that diſguiſe, ſome remains of that hypocriſy aſſumed to hide thoſe deſigns which, though not publicly declared, too obviouſly appeared, that they ſtyle this Convention the repreſentatives of the people, cloathed in all the right to reform, and ſend delegates to it; and, when ſome of the moſt miſchievous and active of its Members fell under ſentence of the law, boldly aſſerted their innocence, nay, their merits, directly in the teeth of that law, paid every tribute of enthuſiaſtic applauſe to them, and reſpect to the Convention, pronouncing them objects of panegyric and envy, and, in conformity to their prior declarations, and to the plans of inſurrection laid by them, made the legal condemnation of thoſe guilty perſons the ſignal, as they ſtyle it, of coming to iſſue on the point, "whether the law ſhould frighten them into compliance, or they oppoſe it with its own weapons, to wit, force and power?" that is to ſay diſtinctly, "whether they ſhould yield obedience to the laws of their country, or oppoſe them by inſurrection?" This, he ſaid, was avowed in as plain and marked language as man could poſſibly conceive: he thought, that this caſe, ſo circumſtanced, and ſupported by ſuch a variety of coincident matter, was as ſtrong a caſe as the mind of man could well think of, yet, ſingular, though it might appear, all this was but introductory to facts of a ſtronger nature which were to follow. He then called the attention of the Houſe to the hiſtory of a Society which, deſpicable and contemptible though the perſons who compoſed it were, as to talents, education, and deſcription (when looked at with cautious attention, and compared with the objects they had in view, and the motives on which they acted, namely, that great moving principle of all Jacobiniſm, the love of plunder, devaſtation and robbery, which now bears the uſurped name of liberty, and that ſyſtem of butchery and carnage which have been made the inſtrument of enforcing thoſe

principles) would appear to be formidable in exact proportion to the meanness and contemptibility of their characters. Of this Society the characteristic was, that, being composed of the lower orders of people, it had within it the means of unbounded extension, and concealed in itself the seeds of rapid increase: it had risen already, he said, to no less than thirty divisions in London, some of those containing as many as six hundred persons, and was connected by a systematical chain of correspondence with other Societies scattered through all the manufacturing towns where the seeds of those principles were laid which artful and dangerous people might convert to their own purposes. It would appear in proof, he said, that this Society rose to an enormous height of boldness, and erected in itself, in express terms, a power to watch over the progress of Parliament, to scan its proceedings, and mark out limits for its action, beyond which if it presumed to advance, this august Society was to issue its mandate, not only to controvert that act, but to put an end to the existence of Parliament itself; so that if the Parliament should think it necessary to oppose, by any act of penal coercion, the ruin of the Constitution, that would be the war-whoop for insurrection; the means of our defence would become the signal for attack, and the Parliament be made the instrument of its own annihilation. Such language as this coming from people apparently so contemptible in their talents, so mean in their description, and so circumscribed in their power, would, abstractedly considered, be supposed to deserve compassion, as the wildest workings of insanity, but the researches of the Committee would tend to prove, that it was the result of deep design, matured, moulded into shape, and fit for mischievous effect when more apportunity occurred. About six weeks ago, there arose a new æra in this history of insurrection, in which the House was to contemplate those great machines of Jacobinism, the Societies alluded to in the report. At that period the corresponding Society laid, in due form, before the Society for Constitutional Information, a deliberate and deep-concerted plan, not for meditating, but for actually assembling a Convention for all England, not to be the representatives of these particular bodies for the accomplishment of particular legal purposes, but to be the representatives of the whole body of the people of England, and evidently to exercise legislative and judicial capacities, to overturn the established system of Government, and wrest from the Parliament that power which the people had delegated to, and the Constitution lodged in, their hands. Within a few weeks the plan was fixed upon to be carried into execution; and in their circular letter they precisely and emphatically stated that no time was to be lost; and lest, by any possibility, their ruinous intentions should

be misunderstood, the letter was addressed equally to all parts of the Island, and circulated with a share of vigour, cunning and address truly astonishing. It contained, too, a declaration, that a central spot was fixed upon, which they would not venture to name till they had assurances of the fidelity of those to whom they were to disclose it, which central spot they chose, as they themselves asserted, for the purpose of having with greater facility the delegates of the whole Island; and they particularly desire each separate Society to send an exact account of the number of its Members, friends and adherents, in order to estimate their force. Of this they informed the Society for Constitutional Information, in a letter, accompanied with a set of resolutions. It might, he said, be objected, that men such as those could not be expected to act so consistently, and under such well-managed disguise; but when, on inspection, it appeared that their plans were carried on with a degree of cunning and management that greater men in worthier causes have failed in, that objection could have no weight when opposed to such a heap of incontrovertible proof. Who was there who knew what Jacobins and Jacobin principles were, but must see, in their pretences of reform in Parliament, the arrogant claims of the same class of men as those who lorded it now in France, to trample upon the rich, and crush all the dark designs of a few making use of the name of the people to govern all, a plan bottomed only in the arrogance of wretches, the outcasts of Society, and tending to the enriching of them at the expence and loss of property, and life also, of all those distinguished for personal worth or opulence, a plan that has been long felt by the unfortunate people of France in all its aggravated horrors, and which will long, very long continue to be felt by that ill-fated country.

From that period, he continued, they had acted upon this horrible plan; and subsequently, on the 14th of April, the House would find a meeting of the Society—their proceedings in which meeting carried with it no faint illustration of what they would do in the full majesty of power; there would be found resolutions arraigning all parts of Government, threatening the Sovereign, insulting the House of Peers, and accusing the Commons of insufficiency. They would there be found, he said, noticing the measures of Parliament, which had been previously made the signals for an insurrection of the people, and avowing declarations that certain measures, whether done with or without the consent of Parliament, should be rescinded, under their doctrine, *Salus Popali suprema lex*, and that the constitution had been utterly destroyed. Could there be, he demanded, a more explicit avowal of their views? Mr. Pitt then said, that all the materials from whence proof of these allega-

tions was drawn, rested on their own authentic records, and on the express and unequivocal avowal of their own deliberate acts in their meditated system of insurrection. This, he said, was the essence of the subject; but if the House was of opinion that it so far deeply affected the safety and existence of Parliament itself, and struck at the root of Government and the constitution, as to demand interference, there were, in addition, other things which should contribute not a little to increase the impatience of the House to baffle the views of those conspirators, and stop the final execution of their projects. For his part, his opinion of the British constitution was such, and he thought it rested on such grounds, that even supposing the Executive Government had been guilty of neglect of their duty in watching over its safety, and if Parliament had been supine under those manifestations of sedition, he was convinced its enemies must have failed of success; but it was at least right to prevent, by timely interference, the small misery which a short struggle must necessarily produce, and save the nation at large from the reproach, that they had seen such acts, and heard such avowals, and not taken proper steps to stop the execution of them, and punish those who were so wicked as to devise them. He said, that there were stated, in the close of the Report, on grounds not light or trivial, though not minutely entered into in the Report till fuller investigation by the Committee, allegations that arms had been actually procured and distributed by these Societies in the hands of those very people whom they had been striving to corrupt; and that now, even now, instead of breaking up this formidable league, and disbanding and dispersing this Jacobin army, they shew themselves immovably bent on the pursuit of their purposes, and display preparations of defiance and resistance to the measures of Government. It was for the House, he continued, to consider what should be done; and in considering it, he thought that they should not refer to the quality of the persons, but to the nature and magnitude of the objects they had in view. It would be found, he said, that so formidable a conspiracy never existed, when the causes and proceedings were taken into contemplation. The inquiry was yet far from complete, and unfit for final decision, the documents being so voluminous; but the Committee thought it their duty to shew the House that instant precaution was necessary, and had therefore, though unable to find [illegible] the important research, laid before the House what they had [illegible] which he hoped they would think sufficient grounds for adopting the measure he intended to propose. It had been usual, he said, in time of danger, to enact a temporary suspension of the Habeas Corpus laws; as those were made for the preservation of the constitu-

tion on the one hand, so on the other they could not exist if the constitution was gone. The temporary sacrifice of this law was on certain occasions as necessary to the support of the constitution, as the maintenance of its principle was at all others. It was suspended, he said, at a time when the constitution and liberty of the country were most peculiarly guarded and attended to; and that suspension was more particularly called for now, when attempts were made to disseminate through the realm, principles and means of action that might endanger that constitution, for the preservation of which that law was made, and produce much more lamentable effects, and at last be remedied by more dreadful means than the mode he proposed. This was not his opinion alone, but the sentiments of all those respectable gentlemen of the Committee who had investigated the matter. He therefore moved "for leave to bring in a bill to empower His Majesty to secure and detain all such persons as shall be suspected of conspiring against his Person and Government."

The ATTORNEY GENERAL seconded the motion.

Mr. FOX said, that however unpleasant it was for him to attend to-day in the House, on account of his indisposition, he thought it his duty to do so, on being told that the Report of the Committee of Secrecy was to be made to-day. At a period like this, he could not but think it his duty to enter fully upon the question: the measure was important as it was dangerous. When a Committee had sat on a subject which was declared to be so momentous, and when there was a report so soon delivered, his expectations were roused with the ideas of something alarming: if that alarm were true, no doubt there would have been occasion for the measure; but after having attended, with all the attention of which he was capable, he was never more surprised than to find that brought forward as a subject fit for uncommon deliberation, which had been the burden of all the newspapers, not only for months but for years. It had been expected, from the intimation given, that great was to have been the discovery. The Committee suddenly stopped in their progress to make known to the House matters of public notoriety, and those facts which Administration not only had been in possession of, but also had signified their knowledge, and made the pretence of former extr[illegible]ary and novel proceedings. What was the result of this insu[illegible]efs? What was the boasted discovery which had been promised t[illegible] the House with such pompous, and, as it is now found, such de[illegible]lusive proceedings? Nothing but a ridiculous and contemptible statement of facts already known. The inference which the Committee drew from that statement, was untrue; and he was happy in his own mind to differ in opinion, happy to find that not one single

conclusion was justifiable. From beginning to the end of the Report, no one fact that was brought forward could induce them to draw such an inference. If men could not associate together for the purpose of expressing their thoughts freely upon public affairs, the boasted liberty of the country was no more. He should not say, however, that the methods which had been mentioned as fit to be adopted, were, of all others, the most justifiable, but the discussion was not of that nature, to give any reason for so extraordinary a conduct on the part of Government. Under the circumstances which had been adduced against them, he thought it absurd, dangerous, and unjust, to take their consistency against them, in one instance, and afterwards refuse it for them in another; they had been uniformly assembled for the same purpose; they had expressed their mode of obtaining that object decently; and, under the express terms of constitutional and legal methods, they had shewn themselves the friends of peace, and in no one instance had they belied their professions. The word *Convention* had, it seems, then given the great alarm; in that respect also the Committee had drawn a false conclusion; their own expressions give the lie to it; it was not a Convention of the People, but a Convention of Delegates from the different Societies, which was meant to be held. It was then absurd to call that a Convention of the people of this country: how far they were consistent in their demands, he should not now determine; that might have been expected as part of the subject of debate, but the outline was all that was submitted for consideration. What was the object of the Convention at Edinburgh? It was expressly stated to obtain a redress of enormous grievances, and on that point alone they proceeded. If Conventions, even upon the first views, were to be considered as seditious—if meetings, from which delegates were appointed, were to be made fit objects of odium and legislative persecution, then, indeed, should he have been marked for that purpose. The right honourable gentleman (Mr. Pitt) never was, he believed, a delegate to any one of those Conventions; but he (Mr. Fox) had been a delegate to a Convention which was held in the city of London, and afterwards removed to Westminster; that Convention held correspondence publicly with Societies in Yorkshire and other places; they came to certain resolutions, and presented the result of their labours to the House; the House said they could not recognize them in such a character as delegates, but said that they all had a right to petition for themselves, and therefore received their petition. He said this, merely to shew that such a Convention was legal; never till lately was such a measure thought either against the letter or the spirit of the constitution. If it was

illegal, the Minifter had been fcandaloufly negligent, and fo had many others. A fcandalous negligence could alone have fuffered the Roman Catholics of Ireland to obtain what was lately granted to them, for it was by a Convention they fucceeded in procuring their object.

His Majefty received their Delegates in that capacity, and granted their requeft. It was happy for them, and happy for a great part of the reft of the world, that fuch an event happened. His Majefty indeed received them with that benignity which belonged to his character—but would it be contended with him, that the Roman Catholics would have been fo fuccefsful, if it had not been for the Convention of thefe Delegates? "Upon my word, Sir, faid Mr. Fox, "I know what extraordinary things are attempted by thofe who are fupported by great numbers. Look to the rejection of the Roman Catholic petition: in their firft application to Parliament there were only about five-and-twenty in their favour, and fee how they were received the next year, when they were fo fupported, and when they had appointed a Convention by Delegates! After this, will any man tell me he has a doubt what brought this about. But am I faying that the propofed Convention in the prefent cafe would be meritorious?—No fuch thing! I am giving no opinion upon that fubject; I only fay it would be dangerous for this Houfe to declare their illegality." There was not, he faid, any other charge againft thefe perfons than that they might make an attempt to alter the form of Parliament of their own authority; now he would afk if any gentleman was prepared to fay, that this very Convention would not apply to Parliament for a parliamentary reform? Upon this head, it could not be imagined that in the moft virtuous times, reform fhould begin in Parliament itfelf, it muft come immediately from the people, not however urged by force or violence; and if thefe focieties were fincere in what they profefs, no infinuations could juftify a conclufion detrimental to their reputation; they muft derive praife for their fentiments, and the methods by which they meant to acquire it, were equally peaceable and meritorious: if their guilt was to be inferred from their difapprobation of the meafures of Government, then, indeed, it were ftrange: he muft confefs, that the meafures of Government excited his moft fincere and violent indignation, and if diffatisfaction were not created among the reft of the people, he fhould accufe them of that want of feeling which he was confcious they did not deferve. To many parts of their declarations he fubfcribed moft heartily; not, however, to all; with the grand object he particularly felt himfelf inclined to coincide, and alfo the reprobation

which they caſt upon certain judicial proceedings. Much, indeed, had he execrated ſeveral judicial proceedings of the Judges of England, and more particularly the proceedings carried on of late in the Court of Juſticiary of Scotland. Was it to be wondered at that ſuch proceedings ſhould excite univerſal odium and deteſtation? But he ſhould aſk, againſt whom this thunder of Government was levelled? was it againſt men of influence?—No. Such a Convention could have no influence, and it would be ridiculous in Government to ſtop them. The Conſtitution had too many admirers, had too many defenders, to have any fears from the attempts of ſuch men; but if Government believe that they did mean to form a Government of themſelves, could they be ſo mad, ſo abſurd, as to ſuppoſe that they could be joined by any body ſufficiently numerous to create any ſerious alarm? No; ſurely not.—For his part, he ſolemnly believed, that if a hundred men were to aſſemble together for that purpoſe, and preſume to dictate laws to the reſt of the community, there could not be found another hundred who would be willing to join them. This Conſtitution has too many defenders, too many well-wiſhers, to fear any ſuch paltry attempts to overturn it.—But he ſhould ſuppoſe this Convention aſſembled by Mr. Hardy and Mr. Adams, and that they ſhould have the views aſcribed to them; he would then ſay, that the meaſure now propoſed was of infinitely greater miſchief to the people than that which it propoſed to remedy; were the Houſe aware of the extent of this meaſure? It was no leſs than giving to the Executive Authority abſolute power over the perſonal liberty of every individual in the kingdom—It might be ſaid that Miniſters would not abuſe that power; "upon my word, Sir," ſaid Mr. Fox, "I do not feel myſelf very comfortable under that reflection; every man who talks freely, every man who deteſts, as I do from my heart, this war, may be, and will be, in the hands and at the mercy of Miniſters. Living under ſuch a Government, and being ſubject to inſurrection, comparing the two evils, I confeſs I think the evil you are pretending to remedy, is leſs than the one you are going to inflict by the remedy itſelf. You are going to give up the very beſt part of your Conſtitution, and that which every man is entitled to do, and which I am now doing, delivering the ſentiments of my heart, upon the affairs of Government, for the benefit of the public, will be at an end at once. May I not then ſay here is an end of the Conſtitution of England!"—It was true, the Habeas Corpus Act had been ſuſpended at times; but he hoped the Houſe would look to the times, and the neceſſity of ſuch a meaſure. It had been ſuſpended in the time of William the Third. It had been ſuſpended

in the year 1745, could this period be compared to the present? By no means. Many who were yet alive, and the history of that period, informed us of the perilous situation of those days. He believed, on reflection, he should not be found far astray; if he asserted, that the country was pretty nearly divided in that day about the succession to the throne. A military power then appeared in favour of the Pretender. They had arms in their hands—on the present occasion, the persons alluded to, were in considerable number, without arms, or even the means of procuring them. He was exceedingly surprised at the precipitation with which this business was brought forward; he conceived that a few days could make no difference, and that the right honourable gentleman (Mr. Pitt) could have no objection to a call of the House on a question of such magnitude. Was there such danger, that a number of Members should be deprived the privilege of delivering their sentiments upon so alarming an exigence? Could one fortnight make such a difference, or was the danger of the present moment so great, as to exclude all possibility of deliberation, and compel the House to run headlong into the snare which the timidity or temerity of the Minister had prepared. For his part, detesting equally the attempts to intimidate, as the endeavours to enslave, he must feel it his duty to oppose the leave for bringing in the bill. He saw a fancied terror had intruded upon the faculties of several Members, and that they were prepared to sacrifice their duty to notions of supposed expediency and groundless alarm; having ever an objection to every species of delusion set up for particular purposes, he for one should enter his decided protest against the proceeding now adopted. He saw this motion in so dreadful a point of view, that he should consider himself as betraying his constituents and the public, if he did not oppose it in every stage. It was a measure that went to overturn the very corner-stone of the Constitution, and give up to Ministers, what had always been considered as the most sacred privilege of the subject, the personal freedom of every man in the kingdom.

Mr. M. ROBINSON reprobated the measure as unfounded and impolitic, and thought that Ministers were carrying things too far. He confessed that he was surprised that the Report, after what he had heard, did not contain more serious matter; and, in addition to this, he could not help declaring, that there was a circumstance which he thought more alarming than the present motion. One right honourable gentleman (Mr. Windham), whose conduct in that House had entitled him to respect in general, had gone so far as to say, that the laws of this country should be brought to the

ſtandard of the Scotch laws, a propoſition which every honeſt and independent man, who retained the ſlighteſt regard for the freedom or happineſs of his country, muſt reprobate.

Mr. MARTIN profeſſed himſelf diſſatisfied with the Report, when compared with the mighty ſacrifice propoſed. He expreſſed his diſappointment, and his alarm at the meaſure which Miniſters propoſed to adopt. If any man was convicted, let him ſuffer; and let not the whole country be involved in his folly and his guilt. He was attached to the Conſtitution, and thought that any attempt to deſtroy it, ought to be puniſhed. But at the ſame time he thought this a time when people were particularly called upon to ſpeak their minds; and from the ſtrange unwarrantable manner in which Miniſters had conducted themſelves, it was more particularly incumbent. No man reprobated the horror of treaſon more than he; but the privilege of delivering one's ſentiments upon public affairs was peculiarly the privilege of every Britiſh ſubject, and the beſt ſecurity for the preſervation of our other liberties. But from this moſt alarming propoſition, the country had every reaſon to entertain the moſt ſerious apprehenſion. Henceforward, no man could ſpeak his mind, without fear for his perſonal ſafety. He would on no account conſent to ſurrender this palladium of our freedom into the hands of Miniſters upon ſuch trifling grounds as were ſtated in the report, and would therefore oppoſe the motion to the utmoſt of his ability.

Mr. LAMBTON ſaid, that on a queſtion of ſuch magnitude, it was impoſſible for any Member of Parliament who conſidered his duty to his conſtituents, to give a ſilent vote. If he ſaw any thing like inſurrection, or any ſerious danger, he would readily concur in the meaſure propoſed, and conſent to ſurrender the Conſtitution for a ſhort time, for the ſake of its future ſecurity. Before a meaſure of ſuch conſequence was propoſed, he believed there was not a Member of the Houſe who would not have expected that ſome ſort of grounds would be given for bringing it forward. He had attended as cloſely as poſſible to the Report, and found that it contained nothing new, nothing that had not been known and ſeen in all the public newſpapers for the laſt four years. Indeed it was nothing more than a repetition of what had been introduced more than once in the ſpeech of the right honourable gentleman (Mr. Burke), and which then, when his honourable friend (Mr. Sheridan) moved for a Committee to inquire into the grounds and foundation of the alarm occaſioned by theſe and ſuch other papers, the Houſe thought it a motion of ſo uſeleſs a nature, and ſo unneceſſary altogether, that they rejected it. And now, upon the ſame grounds which were

not then sufficient to merit inquiry, is founded a reason for a temporary suspension of our best rights and privileges. He must confess that he thought it rather extraordinary that so strong a measure should be introduced upon grounds, which, if they are at all worthy of notice, ought to have been noticed long ago, and found it his indispensable duty to give his negative to the present motion.

Mr. HARRISON was decidedly of opinion, that the case stated in the Report did not call for such a pointed interference on the part of the Legislature as a suspension of one of the fundamental parts of the Constitution, and on which so much depended, as the personal liberty of the subject. He agreed with an honourable gentleman (Mr. Martin), that if any thing could be construed into a justification of such proceedings as were charged to the Societies, it was the conduct of Administration, which, since the commencement of the present calamitous war, had been such as must tend to provoke a free people to considerable lengths, but in the present occasion such was not the case; the proceedings of the bodies alluded to were, as far as had appeared, justifiable on constitutional grounds; and some of their principles, it would appear, had been taken from those laid down by the right honourable gentleman and his friends at a former period; but allowing the right honourable gentleman the full scope of his argument, and admitting the justness of it, was the extremity proposed to be resorted to to be justified either by sound wisdom or sound policy? If such should be the case, and leave was given to bring in the bill moved for, there were two things which he thought it would be absolutely and indispensably necessary to move—two clauses; the one was, that while the suspension of the Habeas-Corpus Act continued, the House should continue to sit; and the other, that an account should be rendered by the Executive Government, to that House, of all persons apprehended and confined under this bill; because it would give to the Ministers the power of throwing in jail, and detaining any person whom they might incline to distress; and that upon any supposed reason or pretext, that they chose to alledge, or make use of. With regard to the Report, it certainly contained nothing but what had been publicly known long before, except one point which the right honourable gentleman had stated, he meant the idea that those people who were to form the Convention had been providing arms, and were nearly ready to use them to enforce illegal purposes. If this was really the case, of which, however, no proof was offered, it was of itself an overt act of treason; and surely there were existing laws in the country to find a suitable punishment for such an heinous offence. For these reasons, and from every consideration

of the fubject, and of the Report, which he had time to examine, he was clearly of opinion that he would be doing an injuftice to himfelf, and deviating from his duty to his conftituents, were he to fuffer fo great an infringement on the liberties of the fubject, upon fuch frivolous pretences, to pafs unnoticed. He was aware it might be faid, and perhaps with fome juftice," that there was no danger of the prefent Minifters abufing fuch a power: but he knew mankind too well, and his duty on the prefent occafion prompted him to confider only what men, armed with fuch power, may do. He therefore would oppofe the motion. He would therefore give his decided negative to the motion, unlefs fomething very different from what he had yet heard could be brought forward.

Mr. BURDON thought there was not fo much ground to difapprove of the prefent meafure, in the firft inftance. The Report, he thought, fufficient to induce him to concur in the meafure; there was, on the very face of it, a manifeft tendency to feduce the minds of the lower orders of the community, and to excite them to infurrection. For whatever might have been the weaknefs or folly of thefe Societies in the firft inftance, the prefent fteps were juftified by their ferious and fyftematic conclufions.—He profeffed the utmoft confidence in the Secret Committee, and juftified the conduct of Minifters, which on this occafion was active, vigilant, and laudable. At prefent, however, he admitted the Report to be incomplete, and it perhaps might appear to fome infufficient to warrant fo ftrong a meafure, yet fo much was he convinced of its propriety, that, as a firft ftep towards a neceffary and falutary meafure, it fhould have his fupport.

Mr. GREY faid, it was impoffible for him to give a filent vote upon fo important a queftion, and though it was not his intention to go into it at much length, particularly after the able manner in which it had been treated by his right honourable friend, ftill when a queftion came to be agitated, that tended to deliver over the perfonal liberty, the property, and perhaps the lives of the fubjects to the power and will of the Executive Government, it became every man's duty in that Houfe to refift fuch a meafure, efpecially when thofe who brought it forward had advanced no proofs of any fort that could make it appear a meafure of neceffity, policy or expediency. He certainly could not agree with the honourable gentleman who fpoke laft, that this, as a firft ftep, was to be juftified or fupported, and he might fairly argue from the honourable gentleman's own words, this notable compilation, which had been read, was fo incomplete and fo little fatisfactory, as not to juftify any proceeding upon it, far lefs fuch a bill as that moved for. It was not

his wiſh to enter at large upon the queſtion before the Houſe; he had not expected it, and there would certainly be other ſtages of the bill on which he and others, who were not then preſent, might find it neceſſary to go into a much fuller and more particular diſcuſſion of it. It was therefore his intention, as ſoon as the preſent queſtion was diſpoſed of, to move that the Houſe ſhould be called over, that thoſe who knew nothing of what was to happen that day, might have an opportunity of attending in their places and giving their votes—the only way of ſhewing their attention to their conſtituents and the people of England, upon a queſtion the moſt important, and the moſt alarming, that could be agitated in that Houſe, and where their beſt and deareſt intereſts were ſo much at ſtake. Another thing which he meant to propoſe was, that the Report ſhould be printed, and to neither of thoſe did he think that any well-grounded objection could be offered. With regard to the Report itſelf, he expreſſed as much aſtoniſhment as his honourable friends, when he thought for a moment of its contents, and was never more ſurpriſed in his life-time, than by the proceedings of that day. It was only late laſt night, when he heard by accident that a Report from the Committee of Secrecy was to be made that day. It had been his intention to leave town that morning to attend a particular and urgent buſineſs at ſome diſtance; but when he found that a queſtion of ſuch magnitude and importance as the preſent, and in which were involved the perſonal liberty of the ſubjects, and the moſt valuable rights of the people of England, he was compelled by the ſtrongeſt impulſe of duty to his conſtituents, and as a Member of Parliament, to attend in his place at a time when nothing but a ſenſe of duty could have induced him to abſent himſelf from another place, where he had the moſt earneſt wiſh to be preſent.* He expreſſed his great ſurpriſe that any meaſure, of any ſort, could be founded on thoſe trumpery papers alluded to in the Report, all of which had been publiſhed long ago, and, if worthy of notice, ought to have been attended to laſt year, when at the meeting of Parliament there ſeemed to ſome gentlemen to be ſo much cauſe for alarm. He concluded with obſerving, as he had done laſt year, that it was obſervable in that Houſe, that thoſe who were moſt violent in their declamations againſt the proceedings of France, were the moſt ſervile in their imitations of them, and nothing could be a ſtronger proof of this than the whole conduct of Miniſters for the laſt two years.—"*So help me GOD*," ſaid Mr. Grey, "I ſhould have imagined from that paltry exhibition on the table, that it were the production of M. Barere, who delivered a voluminous report upon the ſubject of domiciliary viſits; and ſubmit to the future con-

sideration of the House such modifications of the bill as their wisdom should approve.

Mr. WIGLEY thought there were sufficient grounds in the Report, and in the Message from the Throne, to convince the House of their propriety of bringing in such a bill as that moved for, and would therefore give his support to the motion, and submit to the future consideration of the House such modifications of the bill as their wisdom should approve.

Mr. JEKYLL replied to the last speaker, and expressed his very great astonishment that the Report which had just been read contained nothing in fact or in substance that had not been published long ago, and ought to have been noticed at the time, if worthy of notice now; and if there was any reason that could be given for resisting his honourable friend's wish, that it might be printed, it must be that all it contained had been printed and published already. His surprize was considerably increased, when he knew the respectable and honourable gentlemen who composed the Committee, and from whom some Report of a very different nature might have been expected; but it seemed they had proceeded more upon an idea of panic and alarm than any other. There were some of them, indeed, who had been originally Alarmists; but it looked as if those who had not taken the alarm in a natural way, had been inoculated by the company they had kept; and when the House attended to the mouse which this mountain had produced, he believed there was not a man in it who would not say with him, that the Minister had brought forward one of the most violent, destructive, and daring measures that he could have done, upon grounds the most miserable, flimsy, and ridiculous that ever were heard of. He justified his own conduct in every interference he had taken since the commencement of the disturbances in France, and the alarms in this country, and referred to the words of a noble friend of his (Earl Wycombe), on a former night, that if there was guilt it ought to be punished, if there was imprudence it ought to be exposed; but at the same time improper situations ought to be avoided, misrepresentation prevented, and calumnies refuted. As to the effect of that night's proceeding, and the absurdity of the grounds upon which it originated, he would only say that if the Minister had been paid by the enemies of this country, he could not have held out better hopes to them, or given them more real satisfaction, than his conduct that night must do. In addition to the news of the defeat of Clairfayt, which they would receive about this time, he doubted they would not be more pleased, as enemies to this country, to see the Minister's statement, that the people of England were disaffected to their Government, and suspected so far,

that it became necessary to follow up the French practice, and institute a Committee of Secrecy, of Public Safety, or any thing else that they chose to call it. This, he was assured, would be a matter of much satisfaction to the enemies of the country. He then concluded his opposition to the motion by stating, that the conduct and measures of Administration for some time past had tended to put an end to public and private confidence, and destroy that happiness and harmony in society which used to be the characteristics of British subjects. There was a general cry of "Question! question!" when

Mr. SHERIDAN rose: he said he had waited with much attention and expectation to hear some argument used, finding the Report so perfectly destitute of any grounds for such a measure; but at last saw that it was not the intention of the other side to bring forward any thing like a shadow of reason that could account for their conduct. This was a question, however, of such magnitude, that he should think it criminal to give a silent vote upon it. Before he proceeded farther, some notice was due to that extreme impatience for the question which the Minister and his friends evinced, an impatience and a manner of expressing it, which he would not hesitate to say was completely indecent; yet, while liberty of speech, and liberty of parliamentary proceeding in that House remained, and he did not believe it could long remain if such a bill passed, he would never so far forget his duty to the country, as to allow it to pass in silence; however much it might be the wish of Ministers to hurry the measure through the House, a measure which, to use the language of his learned friend, was one of the most daring, most abominable, and most unprecedented that had ever been offered to the consideration of a British House of Commons. He held the Minister's attack upon the people of Great Britain to be unfounded, unjust, and impolitic, in the highest degree, by falsely telling to the French that the people of this country were so much disaffected and suspected, as to make the most harsh measures necessary to restrain their proceedings against the Government. With regard to the Report, which had been so well and so justly described by his honourable friends, he must say, that the moment it was produced, when once it came to the knowledge of the people, must appear to them to be a moment of joy and congratulation, and was so in reality. For after all the great exertions and great talents of this Committee of Public Safety, instigated as they were by the most tremendous alarms that had ever frightened any country, what had they to shew to the country as a vindication of their conduct, and the fruits of their alarms? What

was to be found in the famous report of the British Barrere? Shortly this—a number of copies of idle papers that had been printed, published, and circulated, some of them for the last two years, and all of them before the commencement of the last session of Parliament. Why, he would ask, had they not been prosecuted at the time they appeared? Why did not the Attorney General prosecute upon the paper signed by Martin, which he thought, of all others, contained the most criminal matter? One thing, and only one, had been started that was any thing like new, and that was, that these Societies had been providing arms: this by the way remained merely as an assertion, for no proof had been given to the House, even on that head; but if it really was so, or if any such treasonable practices existed in the country, were there not laws by which such guilty persons might be brought to adequate and condign punishment? He for one believed that no such practices existed in the country, and that Ministers and their friends knew this to be the case; but it was necessary for them and for their views, to keep up, or rather create some new panic to gain that continuance of power over the people, which seemed to be so much the object of their wishes. He believed most firmly that this measure was founded on a conviction on the minds of those who introduced and supported it, that no such practices existed at all in this country, that could produce any alarm that made this proposal necessary for putting the liberty and the property of all the people of Great Britain at the discretion of the Executive Government, a power which never had been, nor ought to be given, except in times of actual rebellion, or imminent and manifest danger, which none would be hardly enough to say was the case at present. It was somewhat singular, of all the great men who composed that Committee, and he had a very great respect for the characters and abilities of many of them, none of them had come forward in defence of this measure, or to state grounds for it, except the Chairman.—The principal argument which he had used, went to prove the illegality of Conventions; but certainly he could not be serious in using such an argument; there had been many Conventions in this country, Scotland, and Ireland, for different purposes, and none of them had ever been thought illegal. He had belonged to some, and he believed the right honourable gentleman had; he was sure the Duke of Richmond did; and though they were for the purpose of Parliamentary Reform, the avowed purpose of those Societies, they held their Conventions in the Guild-hall of London, with the leave of the Lord Mayor of that city, with clerks and other attendants from the Mansion-House, at their command, and

from thence they published their proceedings and resolutions. In Scotland, a Convention had been held for a reform in the county elections, and a learned gentleman, (the Lord Advocate) whom he hoped was in his place, presided at that meeting; and gave it the name of Convention. In Ireland it was by a Convention that the Roman Catholics had obtained, that which was denied them by using every other mode of proceeding. In none of those instances had Conventions been thought illegal. With regard to the discretion of those who were to be entrusted with the extraordinary power, which a suspension of the Habeas Corpus act would put into the hands of the Executive Government, it had been said, that there was no danger of its being abused or perverted to improper purposes. On this point he differed widely, and had a right to refuse it, because having that day seen the frivolous pretexts upon which this bold and dangerous measure was founded, there was good reason to suppose that if they had the power to detain persons suspected, they would be very apt to proceed upon suspicions equally frivolous. Besides, as it had been very properly said, if they once get the power, there may be foul play, and men may be confined upon no other grounds than being hostile to the measures of Administration; nor could any man in or out of that House be safe, if they were inclined to misrepresent or distress him. He was warranted in this argument by the calumnies that were daily circulated against him, and others, in newspapers, almost avowedly employed by Ministers for such detestable purposes. Though he had been for many years peculiarly the object of calumny and misrepresentation in newspapers, they never had, or, he believed, ever should induce him to commence a prosecution against them; and this forbearance was in a great degree owing to the sincere attachment he had for the liberty of the press, and which he should be sorry, by any action of his, at any time, to endanger. It could not, however, escape his notice, that in one particular newspaper which was known to be under the influence, if not under the immediate direction, of Administration, he was uniformly abused in the most gross and indecent manner. Even this very day he was accused of holding an improper communication with a person outlawed by the laws of his country. Amongst the many prosecutions carried on to support the dignity of Parliament, the right honourable the Attorney General should feel himself equally interested in vindicating the characters of its individual Members, upon which so much depended in the public estimation. He would not directly charge the Ministers with personally slandering him. He would not be so unmanly as to impute to any set of gentlemen the dark and groveling meanness of saying those things insidiously

which they dared not mention to his face. If there were any lurking ſuſpicion in the minds of any men, let them come forward and boldly avow them; where there is guilt, let the broad axe fall; public charges he was ready to meet, and confound any one who ſhould preſume to arraign him; for, in the whole of his conduct from the beginning of the French Revolution, he thought himſelf entitled to ſome merit, inſtead of incurring any reproach. He then deſcanted on the application which the precedents adduced would bear to the preſent ſubject, and particularly diſtinguiſhed the ſuſpenſion of the Habeas Corpus during the American war, which was limited to perſons coming from America, and not general as in the preſent caſe. He accuſed Mr. Burke of having ſo far concurred in the Convention of the Iriſh Roman Catholics, that his ſon acted as one of their agents; he admitted him to have been very worthily employed; but the fact at leaſt proved, that the hatred of Conventions was not ſo unlimited as might otherwiſe be expected. He truſted that there would be abundant opportunities of diſcuſſing the principle of the bill in future ſtages; for, notwithſtanding the abruptneſs and ſurprize with which it was brought in, Miniſters would, no doubt, reflect on the reſponſibility which would fall upon them on a future day; and though he was far from being a man of a ſanguinary diſpoſition, he ſhould not be ſorry to find that any Miniſter who ſhould adviſe His Majeſty to paſs a bill of this magnitude, ſo hurried through the Houſe, ſhould loſe his head upon the ſcaffold. He ridiculed the wonderful diſcoveries made by the new Committee of Public Safety, and the opening ſpeech of the Miniſter, whom he called the Britiſh Barrere. He reprobated the whole of the Miniſter's conduct on the preſent occaſion, which was calculated to deſtroy the peace and harmony which ſubſiſted amongſt men. There could not ſurely be any real ground of apprehenſion, from a ſet of men without fortune or connection in the country; and who were, comparatively, few in number. But why not confine the operation of this bill to thoſe Societies? Why ſhould the liberties of every Britiſh ſubject be ſurrendered to the Crown, for the fault of a few? He would much rather he would make it treaſon or felony, for any Society to meet for the purpoſe of obtaining a Parliamentary Reform, though he belonged to ſuch a Society, and would rather forfeit his life than abandon the cauſe.

Mr. Chancellor PITT ſaid, that he truſted that the head of no Member was in danger from ſuch a conduct, as French Tribunals were not as yet introduced into this country. The ſame reaſon which juſtified the introduction of ſuch a bill, went equally to prove that it ſhould be expedited as faſt as poſſible. He was therefore of

opinion, that it ſhould be committed this night, and paſſed to-morrow.

Mr. SHERIDAN ſaid, that it was not for propoſing the meaſure, but for the advice given to the ſovereign, that the Miniſter was reſponſible.

Mr. Chancellor PITT retorted ſarcaſtically, that he thought it hard if the two Houſes of Parliament ſhould paſs the bill that the Miniſter ſhould loſe his head for not adviſing the ſovereign to exerciſe his negative.

Mr. BURKE thought that when the broad axe of vengeance was ſo broadly diſplayed in their view, it might not be amiſs to conſider a little what was that mighty provocation which ſeemed to call for it? It was ſimply this—that if a Miniſter adviſed His Majeſty to comply with the wiſhes of the other two branches of the Legiſlature, in giving his Royal aſſent to a meaſure which they thought immediately neceſſary for the ſafety of the State, he ſhould for ſuch offence be ſentenced to the guillotine. Would it not be fair to aſk where this law was to be found which would inflict a puniſhment of ſuch ſeverity? Not, ſurely, in the code of Britiſh criminal law, which held it meritorious in the ſervants of the King to keep up the beſt poſſible underſtanding between him and his Parliament. The philoſophy of France, however, was ſo inexhauſtible in ſanguinary precedents, that poſſibly ſomething may be found in the proceedings of the Revolutionary Tribunal, which may ſufficiently ſuit the circumſtance in queſtion. Without meaning, in the ſmalleſt degree, to diſpute the magnanimity of Mr. Sheridan, in deſpiſing newſpaper attacks, and never ſubjecting them to a proſecution, he could not eaſily believe that his provocations were not ſuch as may be eaſily paralleled. A man ſo prominent upon the theatre of politics, and who poſſeſſed, as he unqueſtionably did, uncommon genius and activity, muſt naturally expect to be drawn before the ſcrutinizing tribunal of a newſpaper; and he was very much deceived, if Mr. Sheridan, generally ſpeaking, was not very mercifully dealt with. At leaſt, he never knew a gentleman ſo much in the eye of the Public, who had fared better with our diurnal cenſors. He thought it, therefore, rather ſtrange, that when he declined the invidious taſk of proſecuting himſelf thoſe papers in which he was traduced, he ſhould be ſo ready to confer that employment upon the Attorney General. If his advice could have any weight, he would recommend to the learned gentleman not to accept of the commiſſion, leſt he ſhould draw upon himſelf that animadverſion from which he attempted to free his neighbour. It was, he believed, frequently true, that phyſicians who attended at hoſpitals, in order to effect a

cure, fell victims themselves to the infection, which had not, perhaps, so fatal an effect upon their patients. Mr. Burke then entered on the defence of the measure, which he sincerely lamented the necessity of the times had called for. He said, he could not but feel for the constitution; and, feeling as he did, he sincerely lent every feeble support in his power to a law, which had for its object, not tyranny, but protection. It was salutary, though apparently severe; it was withholding, for a short time, the liberty of the country, to preserve it for ever. He would not quarrel with the right honourable gentleman (Mr. Fox) for words which in themselves were innocent, but he would contend on the meaning and substance, and designation of those expressions which were adopted by those Societies, and applied in the manner in which they had been applied in the National Convention of France. He said, he did not like those technical terms, butchery, massacre, murder, and devastation, which, by too long use, had been familiarized to the ear. Neither did he like to see the poorer orders of the people drawn from their trades and employments, for the purpose of forming Conventions, and, under the pretext of reform, to be led on to the destruction of the State. Parliamentary reform was the pretext for all the sedition that has been sown for many years in this country. But the real object that is in view, when the actions of those men are narrowly inspected, is nothing more nor less than the usurpation, and in the end the plunder, of the State. This is parliamentary reform! and for this purpose, whole classes of the working people of the country are to be Jacobinized.

He then proceeded to controvert the arguments of Mr. Fox, respecting the inference he drew from the Convention of the Roman Catholics in Ireland. Whatever might have been the right honourable gentleman's motive in applying those observations, he was not such a fool as not to know they were irrelevant—for Mr. Fox undoubtedly was nothing less than a fool—except when he chose to mask himself like the elder Brutus, and assume the disguise of ideotcy, the better to assert the liberties of his country. The Roman Catholics, after having respectfully petitioned the Legislature, and experienced a treatment unmeritedly scornful, formed a "Meeting of Delegates," to which they did not give the name of a Convention. Their object, moreover, was a special and avowed one; whereas the Convention which this bill referred to, meant to erect itself into a paramount power over the constituted authorities, the inanity and inutility of which they made no scruple of declaring. It would also appear, that their projects were now in a state of maturity, and that they were preparing to furnish themselves with arms

which may enable them to follow the example of France. In proof of these intentions, he read some extracts from a book, published some time since by the Revolution Society. Mr. Burke commented on the papers which the Secret Committee had selected for inspection, developing the whole system of sedition and of treason, which was regulated by the most unremitting attention, and proved that those societies were so formed, as to spread far and wide into every corner of the kingdom, and acquire by the correspondence it had established in all parts of Great Britain, a majority of the people, who, by becoming the admirers of the French revolution, always held up to them as a Government superior to their own, would ultimately be led to frame one of their own upon its model; and this could not be done without the destruction of the constitution of Great Britain. He acknowledged, that Ministers must always owe to the people a qualified responsibility for all their public actions; and if they abused the power in confidence reposed in them, it would be a proper subject for future examination. But in the measure now proposed, supposing the extreme case of the power being abused, he contended that it could not have any thing like the bad consequences that would result from suffering this Convention to go on undisturbed in their proceedings. The Habeas Corpus was unquestionably one of our most invaluable securities; but, in times of great emergency, even that must be given up temporalily for the whole. At the time of the rebellion of 1715 and 1745, many great houses were divided between the claims of the Stuarts and those of the House of Hanover. Happily, by the suspension of the Habeas Corpus act, the heads of several noble families, now the ornaments of their country, were safely locked up in the Tower, which, if in condition to take any part in the contest, their fortunes would have been confiscated, the persons themselves brought to the scaffold, and the families extinct. It may possibly happen, that the same salutary effects may arise from the adoption at present of similar precautions. He concluded with giving his hearty assent to the motion.

Mr. SHERIDAN explained. He said that he did not wish for the Attorney General to interpose between him and any newspaper calumnies. He alluded to a charge made against him in a Treasury paper, that he had been connected with a person now committed, (Mr. Stone) of which Ministers were aware of the foulness and the falsehood.

The ATTORNEY GENERAL said, that he wished to pay every respect to the character of the honourable gentleman (Mr. Sheridan), and no man regretted more than he did any calumny and abuse on private characters; but while gentlemen called upon him

to profecute libels on private characters, he begged leave to remonftrate with thofe gentlemen, that if they clogged his proceedings as Attorney General, by forming focieties to fupport thofe under profecution, it was not only giving an indirect encouragement, but, as far as it went, a pofitive affurance of fupport, in cafe of a profecution for libels? How very difficult was it, then, for him to act in fuch a cafe! It had been ftated in this Houfe that he had proceeded with lenity; which feemed to be an infinuation conveying a reflection on the profecutions in another part of the kingdom. If he had been able to trace the combination which appeared in the Committee of which he had the honour to be a Member, he moft undoubtedly would have profecuted thofe perfons who had the audacity to publifh the refolutions figned by a perfon of the name of Martin, and which were contained in the Report now before the Houfe. In Scotland, thefe people had appeared as delegates from thofe Societies, and acted in open defiance of the laws of the country. It was not fair by any means to draw an inference, that, becaufe fevere profecutions were not inftituted here, the profecutions in Scotland were not founded in juft and proper grounds. He was ready to fay that he was moft completely convinced that the profecutions there were inftituted, and the determination of thofe profecutions made, on the moft complete evidence. There they had thrown off that difguife which until lately they had maintained in this country. He thanked God that he had from circumftances been placed in the fituation of Attorney General of England at this time; and he was certain that nothing would be done that was not confiftent with the moft perfect juftice; but at the fame time he muft fay, that legal forms were flow, and required time to bring perfons under the judgement of the law. So great was the combination of thofe people who had formed the plan of fubverting the conftitution, that it was a meafure that he felt the moft neceffary of any that ever was adopted in this country, to adopt the meafure now propofed to the Houfe. He was free to fay, that upon this meafure depended the falvation of the ineftimable conftitution we enjoy, and the prefervation of the happinefs and liberty of this country.

Mr. FOX explained, that independent of the trials which took place in the northern part of the ifland, he could not but difapprove of the proceedings againft Mr. Walker, Mr. Phillips of Leicefter, Mr. Winterbottom, and a perfon for whom he could have no great perfonal partiality, Mr. Froft.

Mr. WIGLEY faid, he fhould be ready to defend the proceedings at Leicefter, of which he is Recorder.

The House then divided on the motion, for bringing in the bill, when the numbers were—

For it 201; Againſt it 39—Majority 162.

Mr. Chancellor PITT then preſented the bill, which was read a firſt time, when

Mr. Chancellor Pitt then moved for the ſecond reading of the bill; and Mr. SPEAKER having put the queſtion, that the bill be *now* read a ſecond time,

Mr. GREY oppoſed this motion, and ſaid, from the very great, ſerious, and alarming conſequences which this queſtion involved, he would move for a call of the Houſe, that the Members may have time to make up their minds on ſo important a meaſure. He remarked with much ſeverity on the indecent haſte, with which the bill was preſſed through the Houſe. Even the gentlemen who voted for the bill, he was well aſſured, were not aware of the extent of the meaſure until they heard it propoſed by the Chancellor of the Exchequer.

Mr. Chancellor PITT ſaid, that as the bill required all poſſible diſpatch which its grave and important nature could not diſpenſe with, and as Members would give all the attention in its ſubſequent ſtages, he would oppoſe the motion of the honourable mover, as calculated but for vexatious delay.

Mr. FOX ſupported the motion of his honourable friend. He could not but notice the tone of exultation in which the Miniſter dwelt on a meaſure, which, if actually neceſſary, ſhould be noticed by all as a ſerious calamity. He defied that right honourable gentleman. He dared the whole Committee to ſay, that there was any ſuch thing in this country as an armed inſurrection! If there was not, he contended that the delay of one week could make no material difference as to the object in view: if the object was puniſhment, there muſt be guilt, and the preſent laws were fully adequate to that; if it was merely to prevent the eſcape of a few guilty perſons from juſtice that demanded this unprecedented meaſure, he maintained that it was ſcandalous for a ſingle moment to ſurrender the liberties of the whole kingdom on ſuch account. He lamented that the old eſtabliſhed laws known to the Conſtitution had not been applied to the evil, if any exiſted; for it is, ſaid he, an infamous libel on the Conſtitution to ſay, that it is only able to maintain itſelf in times of peace and tranquillity, but muſt be ſurrendered in times of danger and difficulty. He wiſhed to know for what length of time this ſuſpenſion was to continue, or how long it could be poſſibly neceſſary? Shall it be ſaid, that when we are engaged in a war upon ſuch honourable principles, that it is approved by the whole

kingdom, that at the time when there is the moſt popular Adminiſtration that ever governed in this kingdom; who have on every occaſion a majority of ten to one; is it at ſuch a time, I ſay, that we find it neceſſary to ſuſpend the Habeas-Corpus Act, from the apprehenſion of an inſurrection in the heart of the kingdom? He contended, that the pretences brought forward to ſupport this meaſure were the moſt flimſy and barefaced he had ever witneſſed, and the meaſure itſelf the moſt daring and impudent. It was true, that ſince terror was the order of the day (to uſe a French mode of expreſſion) thoſe opinions might be a while ſtifled, but they would but rankle in ſecret; curſes would follow "not loud but deep," and what might be the final event no man could ſay! After this meaſure paſſed, he doubted whether it would be of any conſequence for thoſe who acted with him to continue their oppoſition in that Houſe. This was the moment for the Houſe to pauſe and deliberate, before they gave up that privilege which may decide, whether it would be worth any Member's while to attend a diſcuſſion within theſe walls.

"*Tempus inane peto, requiem ſpatiumque furori.*"

If violences ſhould ſucceed, he would feel the conſolation of having done every thing in his power to avert the impending evil from his country—that at his lateſt moments he ſhould feel it his conſolation—and he did not think in caſe of any diſturbance, that one head in that Houſe would be more ſecure than another!

Mr. GREY replied in very animated terms to ſome alluſions made to him by the Chancellor of the Exchequer. The right honourable gentleman's haughtineſs he conſidered as the overflowing of an arrogant mind, ſwelled with the too long enjoyment of an ill-gotten power. He admired the right honourable gentleman's abilities, he never had denied them; but talents, however tranſcendant, when unſupported by honour or honeſty, ſhould never meet reſpect from him. On the ſubject of parliamentary reform, he ſhould ſay that, notwithſtanding the reflections caſt on it, it was a cauſe he ſhould never deſert, under any change of time or circumſtances, nor would he, to preſerve power, or gratify idle ambition, ever become an apoſtate!

A motion was then made, and the queſtion being put by the Speaker, "That the Houſe be called over on this day fortnight," the Houſe divided;

Ayes 32 Noes 201.

This motion being negatived, the bill immediately went through the ſecond reading.

A motion was then made, and the queſtion being put by the Speaker, "That the bill be committed,"—a diviſion took place; and the numbers were,

Ayes 154 Noes 23.

On the queſtion, "That the bill be *now* referred to a Committee of the whole Houſe," an amendment was moved, inſtead of the word "*now*," to add "*three o'clock* in the afternoon;" which being objected to, a diviſion took place;

Ayes 145 Noes 24.

The queſtion was then propoſed, on the motion of Mr. Courtenay, "That this Houſe do *now* adjourn;" this was alſo objected to, and the Houſe dividing, the numbers were,

Ayes 24 Noes 141.

The main queſtion was then put and agreed to.

A motion was made, "That the Speaker do *now* leave the chair," which was oppoſed by a motion of adjournment from Major Maitland.

Ayes 16 Noes 130.

The queſtion was then put, "That the Speaker do now leave the chair"—

Ayes 130 Noes 16.

In the Committee—Queſtion put, "That the Report from the Committee of Secrecy be now read"—

Ayes 16 Noes 118.

Amendment propoſed, to inſert, after "conſpiracy," the words "of which no proof has been laid before this Houſe."

Afterwards moved, and queſtion put, "To leave the chair"—

Ayes 15 Noes 111.

Queſtion put, "That thoſe words be inſerted"—

Ayes 15 Noes 111.

Queſtion put, "That this be the preamble"—

Ayes 114 Noes 15.

Amendment propoſed, to leave out "at or upon," and inſert "after."

Queſtion put, That "at or upon" ſtand part—

Ayes 102 Noes 14.

The Houſe in a Committee on the ſaid bill, it paſſed with ſeveral amendments.

The queſtion was then propoſed, That the Report be *now* received. Amendment moved, to leave out "*now*," and ſay, "four o'clock in the afternoon."

For the Report 108 Noes 13.

The main queſtion was then agreed to.

The bill was then reported, ordered to be engroſſed, and to be read a third time to-morrow (Saturday).

The Houſe adjourned.

Saturday, 17th May.

Mr. SHERIDAN ſaid, it was yeſterday underſtood from the Miniſter himſelf, that this buſineſs was to be brought forward, and preciſely, at four o'clock this day: he ſaw no reaſon why the Houſe ſhould wait for him, eſpecially as he had been in the Houſe, and had quitted it. Perhaps he was now taking a walk for his amuſement, but that was not a reaſon for the Houſe to wait; and as thoſe who diſapproved of the bill openly profeſſed to wiſh for delay, for the purpoſe of affording to the public an opportunity of knowing the nature of this moſt alarming meaſure, he ſhould, without any farther heſitation, move, " That this Houſe do now adjourn."

Mr. FRANCIS ſeconded the motion, which was perſonal to himſelf, as well as for others of more importance—That not having had the ſmalleſt notice of a deſign to bring in ſo ſuddenly, and to carry through ſo rapidly, a bill of ſuch conſequence as that which was now before the Houſe; and not having conceived it poſſible that ſuch a bill could be ſo propoſed and hurried, without giving gentlemen a ſingle day's time to read and conſider the Report of the Secret Committee; he had unfortunately been abſent yeſterday, and therefore he very much wiſhed for a delay on his own account. But he wiſhed for it much more on account of the nature of the buſineſs, and the conſequences which might follow to the nation, if ſuch a buſineſs was precipitately concluded. He confeſſed that he was but imperfectly informed on the ſubject; but as far as the information went, which he had been able to obtain, the object of the meaſure in queſtion was, in ſubſtance and effect, to ſet aſide the Conſtitution by an act of the Legiſlature. They, who thought that ſuch a queſtion was ſerious and important, would allow that it ought not to be carried through without ſome pauſe and deliberation; and, on the other hand, he did not ſee how they, who thought the buſineſs of ſo little moment, as not to be worth their attendance at the hour which they themſelves had appointed, could think it worth their while to object to the adjournment.

Mr. CANNING ſaid, he underſtood that his right honourable friend had gone away on very particular buſineſs, on which he might be detained for ſome time, and that he was obliged to attend to ſuperior engagements.

Mr. SHERIDAN ſaid, that the honourable gentleman who ſpoke laſt, was a very young Member in that Houſe, which was

the beſt apology that he could ſuggeſt for himſelf, to excuſe the aſſertion which he had made. The buſineſs of this Houſe acknowledges no ſuperiority. It is in itſelf paramount to all. As to the particular occaſion of this moment, the right honourable gentleman (Mr. Pitt) had founded all his argument on its tranſcendent importance and emergency.

Mr. CANNING in explanation ſaid, that he did not mean the occupation of Mr. Pitt was ſuperior to the buſineſs of that Houſe; but ſuperior to the buſineſs of any other gentleman in it; and therefore, that he was entitled to greater latitude and indulgence than any other.

Mr. ROSE oppoſed the motion, and contended that there was no neceſſity for farther delay, as a precedent had been cited laſt night, that of 1722, which was directly in point, and contradicted the aſſertion that the preſent meaſure was quite ſtrange and unknown to the Conſtitution. As ſome gentlemen might now be preſent, who had not attended laſt night, he begged it might be read, which was accordingly done. He conceived, that though the intentions and machinations alluded to in the Report were known before, it was only from ſuſpicion; and were deſtitute of the degree of proof which they now poſſeſſed, and therefore were not at that time ſuch fit objects of animadverſion in the way which was now propoſed.

Lord WYCOMBE thought alſo that the apology for the Miniſter's abſence was highly indecorous: he wiſhed to know what ſuperior engagements any Member of that Houſe could have, to that of attending his duty in it, eſpecially on an occaſion ſo important as the preſent: there ſeemed to him to be in the Houſe, on this and ſome other occaſions, with regard to the negligence of the Miniſter, a forbearance bordering on torpor: he could not conſent to ſo flagrant a violation of public duty as to wait, for any great length of time, for the appearance of any individual; he ſhould therefore vote for the adjournment. He ſhould do this the more readily, as he greatly condemned the haſte with which a meaſure ſo very important to the liberty of this country was attempted to be eſtabliſhed. So far from the people meriting the charge of diſaffection, which was caſt on them by the Report of the Secret Committee, he thought that they deſerved, on the contrary, the imputation of blind credulity and ſervile acquieſcence to Government. He was not, however, prepared to ſay that they had ſo very completely relinquiſhed all vigilance and regard to their own intereſt, as to ſubmit quietly to a meaſure ſo pre-eminent in violence and deſpotiſm as the preſent.

Mr. COURTENAY ridiculed the idea of the Miniſter's ſupe-

rior engagements. If the honourable gentleman would vouch for him, that he meant to revive the days of chivalry, and considered his attendance on some fair dame, as a superior engagement, that indeed might be admitted as a complete and satisfactory apology; for his own part, Mr. Courtenay said, as such a tender plea, he thought that House should wait at least three quarters of an hour, or longer. A similar excuse is sentimentally expressed in Gay's Fables—

—— —— A favourite cow
Expects me in yon barley mow;
And when a lady's in the case,
All other things, you know, give place.

Mr. BUXTON observed, that it was not against the people in general that the charge of disaffection was brought, but against a mischievous and intriguing few, whose desperate projects the people held in detestation and abhorrence, and against whom Government were alike bound by interest and duty to take strong and vigorous measures of precaution. He thought that this subject was too important to be delayed by a question of adjournment: he was a friend to this measure, and if he was obliged to walk out to the lobby 500 times to support it, he would do so; he conceived that there were many individuals in this country who ought to be punished, and he thought that suspending the Habeas Corpus Act, was the best mode for that purpose: on these grounds he should oppose the motion for adjournment.

Mr. JEKYLL would not submit to the insinuation that the people were conspiring against their country, without the fullest conviction. In the present state of the Report, he was as ready as the honourable gentleman who spoke last, to go out 500 times, rather than submit to the surrender of the inestimable blessings of the Habeas Corpus, which in his conscience he believed, if this bill passed, he now witnessed for the last time. Adverting to former precedents, he reminded the House, that Act itself was carried in the Upper House by mistakes in telling the numbers, when one of the tellers, seeing a fat Lord coming in, counted him for ten, which he jocosely justified from his size. In the debate in that House upon the suspension in 1722, one of their Members, a Mr. Booth, had spoken so rationally upon the general inclination of those in power to increase it, by infringing the rights of the people, that he could not do better service to the cause of liberty, on the present occasion, than to read an extract from that gentleman's speech, as contained in the reports of those times. He stated, "There was a kind of Itch run through every succeeding Privy

Council to arrogate to themſelves thoſe powers which had been ſo properly exploded in the Star-Chamber Court, of perpetually taking people up, under very idle and vain pretences, and bringing them up from the country at very great expence and inconvenience. It ſeemed to be an infirmity in the blood. The inſtant that a man became a Privy Counſellor, he was infected with the diſorder of impriſoning people upon idle flams and ſtories. Plots were invented without the ſmalleſt foundation.—In his town (Mr. Booth's), when a ſilly fellow pretended to have diſcovered great things, and made a mighty noiſe about nothing, it was ſaid of him, "*Billy has found a pin**."

* "There is not any thing that an Engliſhman can claim as his right, that we value more than freedom and liberty, I mean that of the body; becauſe impriſonment is a ſort of death, and leſs tolerable to ſome than death itſelf: for by it we are deprived of all our earthly comforts. What is a man the better for having never ſo great an eſtate, never ſo great honour, or what elſe is deſirable in this world, if he is reſtrained of his liberty? Now there are ſeveral ſorts of reſtraints or impriſonments, and they are all forbidden by our law, unleſs the cauſe be very juſt and reaſonable; it is not for bare ſurmiſes or vain ſtories that a man ſhall be impriſoned and hurried from his abode; but only for ſuch cauſe as ſhall prove that it is for the good of the government, and the ſupport of it, that this or that man is impriſoned or reſtrained. Although the law has taken very good care, yet the ſubject is often abuſed in his liberty, ſometimes by the courts in Weſtminſter-Hall, ſometimes by other courts and particular magiſtrates: but the greateſt cauſe of complaint proceeds from the Privy Council.

"The Privy Council that is, though they have been much to blame in this particular, yet it is not a new thing that they practiſe; but this itch of ſending for and impriſoning the ſubject upon vain pretences, has deſcended from one Privy Council to another, like an infirmity that runs in a blood; for no ſooner is a man made a Privy Counſellor, but this ſpirit reſts upon him. This miſchief was early eſpied even in Henry III's time; and ſeveral laws have been made to reſtrain the Privy Council.

[Here Mr. Booth recited the various acts for ſecuring the liberty of the ſubject.]

"Theſe are laws that are as much in force as any ſtatutes whatever, and ought to be as duly obſerved: but I beſeech you to conſider to what a degree they have been violated by the Privy Council: How have they ſent for gentlemen from all parts of the nation, upon mere flams and ſtories! No man could be quiet, but upon any groundleſs pretence, away went a meſſenger, to bring up that man, not conſidering the great charge and trouble they put the gentleman upon by it. I will mention only that of Sir Giles Gerrard; he was ſent for up by a meſſenger, to anſwer to I know not what buſineſs about a black box, and who charged him with it: but when he came to be examined it proved nothing but town-talk, and what a pother did they make! In our county when a man makes a great ſtir about a matter, and it ends in nothing that is ſignifi-

Lord WILLIAM RUSSEL ſaid he ſhould vote for the adjournment: he was decidedly againſt the preſent meaſure. The queſtion was not, whether we ſhould or ſhould not puniſh certain perſons for endeavouring to act improperly; for that purpoſe he conſidered the law ſufficient; but whether we ſhould keep our preſent free and happy Conſtitution, or give it up for the chance of eſtabliſhing an arbitrary Government. He ſaw nothing in the Report to juſtify the preſent moſt violent and alarming meaſure.

cant, we ſay, *Billy has found a pin*. So, I pray, what did this hurly-burly of the black box end in, but nothing that was worth a ſtraw? And to this mighty purpoſe Sir Giles was fetched from his houſe in the country: and ſeveral other gentlemen have been thus uſed againſt law and reaſon. It's ſtrange the Privy Council ſhould not remember the Bill of Habeas Corpus, which paſſed in the laſt Parliament; that might have brought to their remembrance theſe laws that I have mentioned, and might farther convince them how precious a thing we eſteem our liberty: it puts me in mind of the Petition of Right, and what I have heard and read after it was paſſed, how ſoon it was violated and broken.

"The Privy Council has been very unjuſt to theſe gentlemen whom they have moleſted by their meſſengers, in that they have not made their accuſers to make good their accuſations as the law requires, 37 Edw. III, 18, for then idle ſtories would not be ſo current, by reaſon of the puniſhment inflicted on thoſe falſe accuſers by 37 Edw. III. 18, and 38 Edw. III. 9; which laws are grounded upon the word of God, Deuteronomy, chap. xix. ver. 18 and 19. But now ſuch fellows as are mentioned in the 37th Edw. III. 18, and in 42 Edward III. 3, who make their accuſation for malice, or for revenge, or ſingular benefit, more than for the profit of the King or his People; theſe, I ſay, ſhall be allowed to accuſe honeſt men, though they cannot prove a word of what they ſay, and for theſe devices are we to be forced from our habitations to appear before the King and his Council. Methinks it's hard play; and yet what remedy have we left but to ſit down and be quiet? But without doubt the law intended a redreſs in theſe caſes, for 25 Edw. III. 4, ſays that whatever is done contrary to that law ſhall be redreſſed and holden for none; but it does not tell us how ſatisfaction is to be had: but ſince it is left uncertain, I hope for the future we ſhall ſo order it, that every man may have relief againſt this great oppreſſion, and that I humbly move; for if we let this alone, we leave an arbitrary uncontroulable power in the Privy Council, which will never ſtop till it has made the law ſubject to them.

"But I have heard it objected, that if this power of ſending for people be not allowed to the Privy Council, then you put them in a worſe condition than any juſtice of peace, becauſe by his warrant he can ſend for any body in the county where he lives. I muſt in the firſt place deny this altogether; for the conſequence is not true: in the next place, I ſay, that the law is the beſt judge of this, whether the Privy Council ought to have ſuch an unlimited power, and what the law has determined over and over again ought not to be diſputed by us; beſides, it is a thing of dangerous conſequence, to put diſcretion into the balance with ſo many written laws, which conſerve ſo dear a thing as our liberty.

"But the power of the Privy Council is not hereby made leſs than

Mr. YORKE, after alluding to the great anceſtor of the noble Lord, who, he affirmed, if he were now alive, would not oppoſe the preſent meaſure, ſtated that the queſtion was neither more nor leſs than whether or not we were willing to make a temporary ſacrifice to preſerve that Conſtitution, which we were all intereſted to preſerve, by following thoſe precedents which our anceſtors, in ſimilar predicaments, had afforded us. On the preſent occaſion, we were proceeding with a greater degree of precaution than had been always obſerved; for upon one occaſion, the ſuſpenſion of the Habeas Corpus had been effected without the previous precaution of referring the conſideration of the grounds of it to the Secret Committee, as had been done in the preſent inſtance. The Committee from whom the preſent Report came were entitled to the reſpect of every one, and to that Report he was inclined to give the moſt implicit belief. Thoſe who oppoſed the meaſure argued that we had no right to take a ſtep of this magnitude, without ſome overt act done to juſtify ſo ſtrong a meaſure; but he was the more anxious for its being ſpeedily carried into execution, as he was ever of opinion, that prevention was better than cure, and that it was more prudent to meet the evil in the firſt inſtance, than attempt, perhaps too late, to apply a remedy.

Mr. LAMBTON declared, that admitting the neceſſity of the preſent meaſure to be the whole queſtion before them, he was decidedly of opinion, that Miniſters and their friends had totally failed in proving that neceſſity. In the former inſtance of 1722, the neceſſity was proved by the actual exiſtence of a plot, of which the framers were taken up, and ſome of them actually executed afterwards. To this point he was about to read an extract from a book, when he was called to order by Sir William Young, who conſider-

that of a juſtice of peace; for a juſtice of the peace, it is to be ſuppoſed, will not ſend out his warrant but upon a juſt and reaſonable ground: what juſtice of peace ever ſent out a warrant of the good behaviour againſt any perſon, but he either firſt heard the party accuſed, (which is the juſter way) or elſe the matter was proved upon oath? Or when was any warrant of the peace iſſued out but it was grounded upon the oath of him that demanded the ſurety of the peace? And whatever warrants or precepts are granted by a juſtice of the peace, they ought to be for juſt cauſes, or elſe he violates his truſt: ſo the Privy Council may upon a juſt accuſation ſend for any perſon, but without that, they cannot; and therefore I do not ſee wherein a juſtice of peace has a greater power than the Privy Council; or if he had, yet it would not be ſo great a miſchief, for he can only ſend for any perſon that is in the county; but the Privy Council are not limited to this or that county, but their power extends all over England."

ed it as contrary to the rules of the Houfe to read the fpeeches of Members.

The SPEAKER declared the honourable Member to be perfectly in order, drawing the diftinction between queftioning the words of a Member now of the Houfe, whofe words might be thus mifreprefented, and reading fpeeches of Members long fince dead.

Mr. LAMBTON refumed, and profeffing his conduct not to be the effect of any defire of delay, but of a wifh to ftate the grounds of his opinion, he proceeded. The then Mr. Robert Walpole, as a ground for inducing the Houfe to fufpend the Habeas Corpus, and that for a limited time only, fatisfied them, that the evidence of a plot to fubvert the Government, was actually proved. He declared, he felt a confcious rectitude in the vote which he gave laft night; he courted not popularity by a fyftematical oppofition to the meafures of Adminiftration.—So far from it, that on his coming down to the Houfe yefterday, he felt a kind of pre-determination to fupport the prefent meafure, from an expectation that fome proofs of a plot would be brought forward. What then was his difappointment to find nothing but what all the world already knew, produced, whereon to ground fo ftrong a meafure! From his infancy he had been taught to revere the Habeas Corpus Act, as the great palladium of Britifh liberty; and through life he would guard it as fuch. He had heard it faid, that Minifters would abufe this power, if entrufted to them; he did not believe they would dare to act fo grofsly; but in his parliamentary capacity, a conftitutional jealoufy was a duty impofed upon every Member; to that jealoufy were owing fome of the moft ufeful precautions and beneficial laws that this country poffeffed. He knew nothing of thofe Societies which were now fo much the object of attention; and it was well known that in general he difapproved their proceedings. Individuals among them no doubt might harbour the moft pernicious defigns; but did it follow that any danger was to be apprehended from them? Was the Executive Government fo weak as to be unable to oppofe them, without being armed with new and extraordinary powers? On the contrary, was it not well known, that without confidering the great extent of power, which the prefent Adminiftration had been fo induftrious in accumulating, the influence of the Crown was fufficiently adequate to all the ordinary, or even extraordinary cafes, where it could be called into exercife? Was not all England in arms, and ready to fupprefs any riots which could fhew themfelves in any corner of the King's dominions? With all thefe fafeguards then, where could this mighty danger

exist, which was to justify the present extraordinary and unconstitutional exertion? In his conscience, he believed there was none; and, under that conviction, he could not agree to the proposed suspension. On the contrary, he was determined to vote as he did last night, if driven to the necessity; but he still hoped that Ministers would think better of it, and, by a short delay, enable that House, and the country, to mature their judgements upon so momentous a question.

Sir WILLIAM YOUNG supported the measure. We had to deal with men of dangerous and desperate characters. When Cicero suppressed the conspiracy of Catiline, he was obliged to step beyond the strict letter of the law, as an honourable gentleman (Mr. Jekyll) might know, if he would take the trouble to read the translation of Cicero's speeches on that business. What had Sir Robert Walpole stated in the year 1722? That there was a set of men in the country, who had formed a design of overturning the constitution; that they had agreed to go to the Bank and the Exchequer, and plunder them of all the money they might find in those places; and that they had held traitorous correspondence with France, from whom they solicited the assistance of five thousand men. The societies, whose sedition was the cause of the present measure, had no doubt been guilty of similar intentions, and it was now the duty of the House to do as our ancestors had done when the constitution was threatened.

Mr. CURWEN was of opinion, that nothing but the most urgent and pressing necessity could, in any degree, justify the present measure; consequently, if the Minister was in possession of any facts as yet kept back, which he conceived could induce the House to give their assent, he would do well to produce them; for as yet not a shadow of necessity had been exhibited. It was also, in his opinion, highly proper that the country at large should be allowed reasonable time to judge of the necessity; and he was convinced, if that were the case, that House would have their table covered with addresses against the measure. He had no hesitation in saying, that he always conceived the Minister had been deceiving the country with false and ill-founded alarms, and he had not the least doubt. If, however, it could be proved that there were any real ground to apprehend danger, and a delay made to allow men to judge of that; or if the bill, instead of unlimited duration, was to be passed as an experiment for a short period, he might be induced to give his assent.

Mr. BURTON opposed it, on the ground that Magistrates had not power to detain persons who were suspected of being guilty of

conſpiracy againſt the State, for a period long enough to examine whether they were guilty or not. There were two or three perſons now in cuſtody on ſuch a charge, and they might be diſcharged, in the due courſe of law, before their caſes could be examined, unleſs the Habeas Corpus act was ſuſpended.

Mr. BAKER expreſſed his regret at his being under the neceſſity of differing, upon the preſent occaſion, from thoſe with whom, upon other occaſions, he felt it his happineſs to coincide, but upon this important criſis he could not reſiſt the conviction of the neceſſity of adopting the meaſure propoſed. If it were right to be adopted at all, no man could deny it ought to be adopted ſpeedily. Delay was propoſed for the purpoſe of conſulting the ſenſe of the country on the ſubject. Would gentlemen have meetings called throughout the kingdom for that purpoſe, or were ſuch meetings the proper mode of deciding upon the propriety or neceſſity of meaſures, which, by the conſtitution of the country, are entruſted in the hands of the Executive Government? In differing, however, thus from gentlemen of the Oppoſition, he begged not to be ſuppoſed to throw the ſlighteſt imputation either upon their principles or conduct, both of which, he was thoroughly convinced, were actuated by the pureſt motives. It had been ſaid, that theſe Societies, taken in the whole, were comparatively few in number to the reſt of the country, and therefore no danger was to be apprehended from them. But would it be denied, that a few men, of dangerous and unprincipled deſigns, were capable of fruſtrating the beſt intentions; and in fact, was it not owing to a few men of this very deſcription, who had wormed themſelves into theſe Societies, that they had fallen into that miſconſtruction and diſrepute that we now found them labouring under? The preſent bill was founded on the Report of a Secret Committee, appointed by ballot from among the Members of that Houſe; he admitted, certainly, that it would have been better, if on that ballot the choice had not wholly fallen upon one deſcription of perſons, but that ſome of the gentlemen conſtituting the Oppoſition had been included in it. Such as it was, however, he believed the individuals of it to be men of honour; as ſuch, he could not but give credit to their Report; he could not, therefore, refuſe to concur in the meaſure which that Report ſeemed ſo ſtrongly to call for.

Mr. MILLAR thought the common law of the land quite adequate to the correction of the evils complained of, and on that account this extraordinary meaſure was unneceſſary; he ſhould therefore vote for the adjournment.

Mr. Serjeant WATSON declared, he was glad the queſtion of precedents had been ſtarted, as he conſidered one precedent, where

practice and prudence were found united, worth a hundred arguments founded on theory. The present situation of affairs would be found to justify the intended measure beyond former precedents, in two points particularly; the one, that the conspirators on former occasions were unlike the present description, men of character in other respects, independent of their particular offence; the other, that their object was not like the present, to overturn and annihilate all vestige of our constitution, but to substitute one family in the room of another, in one particular branch of the Legislature. He perfectly agreed in the praises bestowed upon our constitution; but he did not therefore agree that we should never suspend any part of the essentials of it. On the contrary, he was decidedly of opinion, that when necessity called for it, both prudence and discretion demanded that we should rather sacrifice a part for a time, than risk the loss of the whole for ever. Convinced that the present measure, if adopted at all, should be adopted with all convenient speed, he gave his negative to the motion of adjournment.

The House divided;

For the adjournment, 37; Against it, 161.

The question being put, "That this bill be now read a third time,"

Mr. GREY maintained that the plan mentioned in the Report, was not accompanied with proof that bore the Minister out in his conclusion, namely, that the Habeas Corpus act ought to be suspended, in order to check those proceedings, and prevent the accomplishment of the object of the Societies in question. He objected to this measure, because it would exempt Ministers entirely from all responsibility. It would be the least of two evils, to allow Ministers to act as they pleased secretly; because then, if they proceeded to violate the law, without or against evidence, they would, at least, be acting under the terror of impeachment; but here they were to be permitted to proceed without any foundation on evidence, as they should please, without any responsibility whatever. The Committee who framed this Report, had been appointed by ballot; the manner in which they were chosen did not deserve the name of a ballot. He differed from the Committee in all their conclusions from the evidence they reported; and he doubted whether all the evidence that ought to be before the House, was before it; the Committee were either deceived themselves, or wished to deceive others; and an attempt was now made to make the House parties in the imposture. Much stress had been laid upon precedent . now, he confessed, that precedent had little or no weight with him, against principle; but he maintained that the reason of the thing,

even according to precedent, was againſt the preſent meaſure. He then proceeded to take a view of all the precedents, which he examined minutely, and maintained that every one of them was founded upon much better evidence than the preſent meaſure had for its foundation. He had expreſſed a doubt, on a former night, whether he ſhould have voted for the ſuſpenſion of the Habeas Corpus act, even on the evidence that had been offered on ſome former occaſions, had he been a Member of Parliament then; on which an obſervation had been made, which was, perhaps, intended to inſinuate that he ſhould not then be ſo ready as he ought to be, any more than now, to lend aſſiſtance to Government when it ſtood in need of it. Such an inſinuation deſerved, and ſhould have nothing but contempt from him: he ſhould have done then, as he was doing now, diſcharge his duty conſcientiouſly, without being at any pains to inquire what inſinuations might be thrown out againſt him, with a view to injure him in the eſtimation of the Public, by aſſigning to him motives which he diſdained. It had, in the courſe of the debate on this important and alarming meaſure, been ſaid, that it was highly improper to appeal to the Public for their ſentiments upon it. This was not very conſiſtent with the conduct of the Miniſter on former occaſions. Had the Houſe forgotten, the Public had not forgotten, how the Miniſter conducted himſelf on the affair of the armament againſt Ruſſia? He had carried on his meaſure, on that occaſion, with a triumphant majority through Parliament, but when he found the public voice was decidedly againſt it, he had, as it had been emphatically ſaid, "dragged his parliamentary majorities through the dirt, and relinquiſhed his object, becauſe he found the people were againſt him. What was the conduct of the Miniſter in the year 1782, when his pretended ſincerity for a parliamentary reform had been defeated in that Houſe, by a motion for the order of the day? He had abandoned it for ever. William Pitt, the reformer of that day, was William Pitt the proſecutor, aye, and perſecutor too, of reformers now. He who thought it fit to inflame the paſſions of the people, and to inſtigate them to a contempt for the Houſe of Commons then, would not now allow the people to judge of their own rights and deareſt intereſts, but perſecuted with the real bitterneſs of an apoſtate his own partner in the queſtion of parliamentary reform. He had this very day been examining as a priſoner John Horne Tooke, for perſevering in his ſentiments.—This ſame William Pitt, who had once taught the Public to believe, that nothing honeſt was to be expected from the Houſe of Commons, and that the people ſhould do every thing for themſelves, now inſiſted that the people ſhould do nothing for themſelves, but

ſhould ſubmit implicitly to the Houſe of Commons, the right even of their perſonal freedom. What was the natural inference from all this? Why, that this famous reformer only wanted to obtain the confidence of the people, in order to betray their intereſts, and ſacrifice their rights. What were theſe acts of which ſuch complants were made in the Report of the Committee of Secreſy?—Nothing more than a ſet of people had expreſſed a determination to purſue, by legal means, the object of parliamentary reform. He knew nothing of any of thoſe ſocieties, except from report; he was not a member of either of them; he had even diſapproved of ſome of their plans; but this was not a time for him, on account of ſome difference of opinion upon ſpeculative points, to abandon them to the fury of their apoſtate foe. There might be imprudence in ſome of their meaſures; there might be among them, men of deſperate fortunes and ſiniſter purpoſes; but if any evils had ariſen from the doctrine of applying to the People, inſtead of applying to Parliament, the Chancellor of the Exchequer had been the chief cauſe of that evil. What was the object of theſe people?—Their oſtenſible object," ſaid the Miniſter, "is parliamentary reform; but their real object is the deſtruction of the Government of the country."—How was that explained? "By the reſolutions," ſaid the Miniſter, "of theſe perſons themſelves; for they do not talk of applying to Parliament, but of applying to the people themſelves, for the purpoſe of obtaining a parliamentary reform." If this language be criminal, ſaid Mr. Grey, I myſelf am one of the greateſt criminals. I ſay, that from the Houſe of Commons I have no hope of a parliamentary reform; that I have no hope of a reform, but from the people themſelves; that this Houſe will never reform itſelf, or deſtroy the corruption by which it is ſupported, by any other means than thoſe of the reſolutions of the people, acting on the prudence of this Houſe, and on which the people ought to reſolve; this they can only do by meeting in bodies. This was the language of the Miniſter in 1782, but I do not know what his ſentiments are now; for who can know the ſentiments of an apoſtate, who has no rule for his guidance but his own conſcience? Theſe were the ſentiments of the Duke of Richmond at this time; but he accompanied theſe ſentiments with a plan preciſely what theſe ſocieties now recommend, "univerſal ſuffrage, and annual repreſentation." What then have theſe perſons done, more than the Chancellor of the Exchequer and the Duke of Richmond? And what has been diſcovered by examining the fine velvet bag which the Miniſter brought into the Houſe in ſo ſolemn a manner? Nothing, but what every body knew twelve years ago, and what theſe Societies thought fit to reprint and publiſh

in 1794. It is for this that the Habeas Corpus act is to be suspended, and the personal liberty of every individual in the kingdom is to be in the hands of the King's Minister. In cases of extraordinary emergency, Mr. Grey allowed that the Habeas Corpus act might be suspended; but here was not sufficient cause made out for the purpose. He did not pretend to be learned in the law; but he always understood, that nothing but overt acts were legal evidence of intention. Now he wished to know, by what construction of law or common sense it was, that we were to conclude men intended what they did not profess? That when they said they meant to obtain a parliamentary reform by constitutional means, they intended to pull down the constitution by force? The law afforded means to punish those who acted unjustly, and that was sufficient in this case. He was sure that if this measure was submitted to the people at large, they would express their abhorrence of it in such a manner, that it would be impossible to pass it even through that House. But supposing, merely for the sake of argument, that these Societies were dangerous—was this Convention, so much talked of, likely to assemble so soon, that Government would be unable to prevent that danger? Nothing like it; but the real reason for this dispatch was, the conviction of the Minister, that if he did not pass it by stealth, the Public would not suffer it to pass at all! He was induced to say this, because if observations of this kind were not made, and the public attention called to this business, a blow might soon be given, that would destroy our liberties for ever. This measure was part of that system of alarm which had been adopted to keep the Public from seeing their real situation: he had no doubt, that when this business came to be properly examined by the Public, as very soon it would, the deception would be discovered, and those who endeavoured to expose it now, by opposing the present bill, would be thanked by the Public for their exertions. Perhaps the Minister had another trick to play. If he should dissolve Parliament soon after this, he might possibly derive some advantage for a time by it. He did not know whether this was his intention or not. It might be the remaining trick he had to play; but he believed it would be the last: be that as it might, he had done his duty in opposing this bill, and he was confident he had laid down sufficient ground for rejecting it. As a contrast to the present bill, and the manner by which it was attempted to be passed, he desired that the proceedings on the journals of the 6th of February, 1679, might be read; which being done,

Mr. CANNING observed, that the precedents adduced by the honourable gentleman at the opposite side of the House, referred to what bore no analogy whatever to the present question in debate.

It was curious, he said, to remark how gentlemen shifted their ground, and passed over those precedents which were in point against their arguments. In the precedent alluded to, of 1722, he argued, that His Majesty's Ministers had an ample support in favour of their measure, for then there was only a message from the Crown, but at present the message was followed up by a Secret Committee, whose Report evinced the necessity there was for the suspension of the Habeas Corpus Act. Good God! he exclaimed, how then could gentlemen oppose a measure that at the present crisis was so obviously necessary? What, he asked, was the House to be told that these societies had no correspondence with foreign enemies, whose object was to subvert and overturn the Constitution? It had been stated, that during the administration of Walpole, that time was given from Christmas to May for Members to study the subject. And it had been objected to that, though Ministers were in possession of their present information at the beginning of the session, they did not think proper to bring forward any proposition on the message till the present time. This, he said, was a flimsy argument, for it strictly accorded with the measures adopted at that period, and acted agreeably to the caution used by our ancestors on a similar occasion. What had been said of the precedent of 1777, was not, he contended, a case in point, but was diametrically opposite to the present subject; therefore what gentlemen had offered on that was, in his mind, in a great measure, irrelevant. It was of singular importance, and made a decided difference, he argued; the circumstance of a Congress having assembled in America, and a National Convention being called by a number of low people, to meet in the very heart of England. He insisted that extraordinary measures required extraordinary powers for their suppression. When precedents made for gentlemen on the opposite side of the House, they were enforced with the utmost energy, animation, and pertinacity; but when they made against them they were scouted and reviled. Thus it was during the war; if our troops, or allies, obtained a victory, it was immediately said, that this was no uncommon cause, and was a thing that even the enemy expected; but if any failure happed, it was magnified immediately into a defeat, and the measures of Government, and the conduct of our Commanders, were immediately implicated. He was willing, he said, to grant them either argument; but he did not think it candid or fair, that to serve their own purposes, that they should prey upon both. He would not, he said, argue as to the proof of the danger that induced His Majesty's Ministers to suspend the Habeas Corpus Act, the Report of the Secret Committee justified the measure; and he was

willing, for his part, to take the word of Government. It was obferved, by gentlemen, that if time were given, petitions would crowd from all parts of the country, and cover the table of the Houfe; and it had alfo been remarked by a learned Serjeant, that fuch petitions would not flow from the people legally affembled, but from thofe very perfons whofe conduct authorifed the prefent meafure fubmitted to the Houfe. But he faid, that he was not to be intimidated by petitions from any quarter, as long as he was convinced that he acquitted himfelf juftly as a Reprefentative of the People, for the benefit of his country. He felt himfelf, fo far, in a high and exalted fituation, paramount to any fuch confideration, and as long as he exercifed the authority delegated to him, confiftent with the dictates of his confcience, he was not to be biaffed by any inftructions, let them flow from whatever quarter they may. He then adverted to the conduct of Mr. Pitt on a parliamentary reform; what he thought on that fubject now fignified but little to the queftion in debate. He however entertained the fame opinions with his right honourable friend; he fupported him in thofe opinions, and he agreed with him, "that though fuch a reform may be not improper for decifion in time of peace, yet it was not a propofition that ought to be agitated in times of tumult and ftorm." This was not a period when gentlemen fhould take a partial view of the fubject; they fhould not look to a part, but the whole. There were fentiments which he would hereafter refume, but at prefent they were futile, and unworthy the notice of any gentleman, and fuch as ought not, now, to be intruded on the Houfe. If Minifters were to proceed in this bufinefs, they were threatened with the vengeance of the people by gentlemen repugnant to the propofitions of Government, and Parliament was menaced with a diminution of its numbers; but he did not perceive the direful confequences that would refult to the country, if fuch threats were carried into execution. He was of opinion, that any fuch feceffion would be counterbalanced by the good that muft arife to the nation from carrying into effect the judicious meafure fubmitted to the confideration of the Houfe. As to the people, he had a better opinion of their good fenfe, than thofe who fuppofed that they could not diftinguifh their friends; they had been tried by the fubfcriptions propofed by Minifters; and however that meafure was decried, it was found their pulfe beat in perfect unifon with that of Government. He concluded by obferving, that however he, with his friend, may be threatened with feceffions in the Houfe, and difturbances abroad, yet they would never be brought to confider themfelves as Ambaffadors from foreign States;

but ſhould continue to know and feel their own dignity, and wait for the ſubſequent approbation of the people.

Mr. LAMBTON remarked, that in 1722, Sir Robert Walpole had ſtated to the Houſe, that the diſaffected of that period had applied to a foreign power for 5000 men, whereas nothing of that kind was now pretended. The Pretender too was to have been proclaimed in a few days, but we have not heard that in the preſent caſe any proclamation of republicaniſm is to be made. It was perfectly conſiſtent in Mr. Grey, he thought, to argue on precedent, though denying its authority, as it was the only argument to which the other ſide ſeemed diſpoſed to attend. He denied that he had admitted the leaſt degree of danger exiſted; all he had ſaid was, that he believed there might be men in the country of bad intentions and deſperate views. Their number and influence he had thought very inſignificant. To the Friends of the People he had belonged, and ſhould continue to belong while they adhered to laudable and conſtitutional principles.

Mr. BAKER declared, that he too had belonged to the Society of the Friends of the People, as long as he could adhere to them with ſafety.

Mr. COURTENAY complimented Mr. Canning on the brilliant diſplay of abilities he had again exhibited, and congratulated the Chancellor of the Exchequer on having procured ſuch an able and honourable apologiſt. What could be more ingenious than the defence of his honourable friend—"Certainly," ſays he, "my friend is an apoſtate, but then I am an apoſtate too;—certainly," ſays he, with equal truth and ingenuouſneſs, "he has apparently incurred ſome diſgrace by receding from his former principles, and deſerting his former profeſſions—but have not I done the ſame? and I now plainly and unequivocally aſſert, that if *ever* my honourable friend returns to his former opinions, I will re-aſſume mine." Can any thing be more ingenious than this defence?—Can any thing be more characteriſtical—can any thing ſhew a more implicit and devoted attachment?—But veering, whiffling, ſhifting characters,—that adopt the whim, caprice, morals, or principles of their patrons, have not been unobſerved, either by politicians or poets;—Pope, for inſtance, deſcribes ſuch a character accurately—

"Like ſome vile ſtraw, that's whirl'd by ev'ry blaſt,
"And carry'd off in ſome dog's tail at laſt."

But, Mr. Courtenay added, he diſclaimed any perſonal alluſion, and confined himſelf merely to general obſervations. He ſhould now claim the indulgence of the Houſe for a few minutes on the

question immediately before them. The bill now introduced by His Majesty's Ministers was neither founded on justice, policy, or reason. It was calculated to spread a *false alarm* among the people; to destroy all social intercourse between man and man; and to make terror and oppression the main engines of the British Government. He was surprised how even His Majesty's Ministers had effrontery enough to adopt measures which they so much reprobated in a neighbouring country; for certainly the same arbitrary measures had been adopted by Barrere and Roberspiere, who, when they saw their power and authority diminishing, instantly fabricated a plot, which they submitted to a respectable Committee of Safety, perhaps *impartially* chosen by ballot; before whose absolute authority the victims of their dislike or disapprobation were immediately sacrificed.—So far the Chancellor of the Exchequer precisely followed their example; the qualities of a great Minister were simulation and dissimulation. [Here he was called to order by the Speaker.]

Sir GEORGE HOWARD observed, that he was, perhaps, the eldest Member of the House, and was of opinion, that all personality was irrelevant to the subject of debate.

Mr. Chancellor PITT said, he was willing to wave the point of order, as far as he was personally concerned; for nothing that the honourable gentleman could say could possibly offend him.

The SPEAKER said, it could not be supposed that he had interrupted the honourable Member on any idea of what might be the personal feelings of any gentleman, but because he thought he was going beyond the established rules of debate.

Mr. COURTENAY said, that if the honourable General had allowed him to finish his sentence, he would have been spared the mortification of hearing his rebuke. He intended to have said, that the profound sagacious Lord Bacon reckoned simulation and dissimulation among the indispensable qualities of a great Minister; and who could doubt that the Chancellor of the Exchequer possessed every necessary quality to constitute one? From an unbounded confidence in him, the House might think it proper to trust the Executive Power with the extraordinary and unconstitutional power vested in the Crown by this bill;—but let us consider the danger of such a precedent. At some future period, we may have a Minister in this country, the adroit in simulation and dissimulation, yet of more cunning than wisdom; more famed for evasive, specious declamation, than for precision in argument, and that energetic, manly eloquence that reaches the heart by convincing the understanding; whose sole and paltry ambition is, to maintain himself in power, at one time by deceiving and cajoling the people; and, at another

time, by a mean and abject subserviency to the Crown; whose colleagues in office are either distinguished for their incapacity, or for an ingenuous, good-humoured indifference to public opinion, and equally divested of all party attachment, public spirit, and political principle.

At former periods, when the Habeas Corpus Act was suspended, the necessity, the danger was apparent and imminent. In the reign of King William, when the people exercised that sovereignty still vested in a free people, to *depose* one King, and *choose* another,—when bigots and zealots preached up passive obedience and non-resistance, and "the divine right of Kings to govern wrong," and on this base and degrading motive still adhered to the abdicated Prince. When James was assisted by the most powerful and ambitious Monarch in Europe—at such a period, *not* to have suspended the Habeas Corpus Act would have endangered the rights and liberties of the people, and have been the extreme of political folly. In the reigns of George the First and Second, when two rebellions menaced and shook the House of Brunswick on the throne, and half the gentry of England were inveterate Jacobites and Tories, the Legislature then were actuated by the same necessity, and acted on the same principle. In the late American war, the Habeas Corpus Act was again suspended. But at that time, the Americans were repeatedly termed rebels by the votes and acts of both Houses of Parliament; and a considerable number in this country openly and decidedly avowed their approbation of the spirited and noble exertions of our colonies to vindicate and assert their rights and privileges by the sword. Mr. Courtenay owned he was proud to have always entertained the same sentiments—sentiments and exertions by which British freedom was obtained, and by which it must be ever supported.—Yet, even at this period, a clause was inserted in the bill, by which the efficacy of the Habeas Corpus Act was still preserved; and Englishmen were still permitted to enjoy that invaluable blessing.

But under what circumstances, added Mr. Courtenay, is the present bill introduced?—An impartial and Secret Committee of alarmists are chosen by ballot, and the names of the Members are known before the election is made. As individuals, many of them distinguished by their virtues and talents, but all actuated by the same spirit of alarm, and influenced, perhaps, by the art of those whose aim and interest it is to deceive and terrify the people, by plots and conspiracies, which did not even exist in their own imagination. This Committee of Safety, after several days of deep and sagacious investigation, had produced a wonderful report;—

plainly evincing to the whole kingdom, that a few obſcure individuals had met at ſundry alehouſes in the metropolis and elſewhere, and, over a pipe and a pot of porter, had planned a moſt dangerous conſpiracy to overturn the Conſtitution in Church and State, by wickedly and maliciouſly deviſing and promoting a Reform in Parliament. But the plot ſhould be marked on the Journals of the Houſe, as almanac-makers ſometimes marked an eclipſe of the ſun, on ſuch a day *inviſible*.

The greateſt political writer of this or any other age, whoſe genius has enlightened mankind, and whoſe eloquence has ſpread the fame of the Engliſh Conſtitution through every nation in Europe—the celebrated author of the Spirit of Laws—he, amidſt the nobleſt eulogium on this palladium of our liberties, the pride and boaſt of Britons—the Habeas Corpus Act;—he even doubts, whether, on any emergency, on any ſtate neceſſity, it ſhould ever be ſuſpended; yet, he modeſtly adds, the practice of the freeſt and the wiſeſt people on earth make me doubt my own judgement in this inſtance. To the manly ſpirit of our anceſtors we are indebted for this bleſſing; the generous and turbulent ſpirit of Engliſhmen extorted this ſecurity, the palladium of our rights and liberties from the graſp of tyranny; it was interwoven with the original frame of our Conſtitution.

Mr. Courtenay next adverted to the hand-bill, which he received coming down to the Houſe, which had been circulated with great induſtry, as one of the mean expedients uſed to deceive and inflame the people. It was entitled—

"TREASON! TREASON! TREASON!

"England's danger and deliverance!—Being a circumſtantial account of the deep and deſperate plots lately diſcovered for delivering up the Duke of York, and all the Britiſh and allies into the hands of the French, to be cut to pieces."

Such are the wretched expedients to which His Majeſty's Miniſters are reduced to ſupport and circulate reports of plots and conſpiracies!

But it has been alledged, that ſuch is the moderation and humanity of Adminiſtration, that this extraordinary power may be ſafely entruſted to their diſcretion. Facts are the beſt criterion:—What degree of tenderneſs, what degree of humanity, did Meſſrs. Palmer and Muir receive, in the execution of their ſentence, from the Miniſters? Men of reſpectability and character,—gentlemen who had received as good an education as any in that Houſe. He had undoubted and authentic information in his poſſeſſion of the indulgence and humanity of Miniſters with reſpect to theſe gentlemen. He

would not have received it, he would not have credited it from public report;—the information he would give the House should be from the original letters, which he had copied himself. Mr. Palmer writes thus, from the *Surprise*, Portsmouth, March 6th:

"I am naturally chearful, and supported by the approbation of my own mind, I am not inclined to despondency—but, in truth, I have some fears for my health. By the humblest petitions and remonstrances, we were saved from being locked down with the felons, and are permitted to be in the same little room with twelve soldiers going out to Botany Bay: but this being in the galley part of the ship, is pepetually flooded, and always damp. The provisions are very bad, and very scanty. I wish I may be able, at my time of life, to withstand these united causes of ill health, together with the influence of climate."

He again writes, March 8th:

"By the particular orders of Mr. Dundas we were to be put among the other convicts, and no distinction made. It was only by earnest entreaties, and the proffered surety of the Serjeant, that we are permitted to be in the same cabin with fourteen soldiers, going out to Botany Bay. Seventeen of us sleep in this hole; the grating of which is locked at night. The ship is so excessively crowded, that exercise is impossible."

Mr. Courtenay said, he only introduced this circumstance to shew what we might expect from Ministers exercising a discretionary power. He did not invidiously mean to throw any imputation on the right honourable Secretary of State. In his private capacity he sincerely believed him both humane and generous. But in his *official* character, reasons of State, perhaps, might have induced him, contrary to his natural propensity, to execute the rigour of the Scotch law, against such seditious delinquents as Messrs. Muir and Palmer, who had daringly followed the example of the Chancellor of the Exchequer to bring about a parliamentary reform. Inquisitors had been known to weep when they condemned an heretic to the flames, but this milk of human kindness had not mitigated the cruelty of the sentence. The only act of kindness Messrs. Muir and Palmer had experienced was from that humanity which was the characteristic of a British soldier, but not always of a British Minister.—What! were we to hold our personal liberty at the discretion of Ministers?—And we were told they were men of such gentle, virtuous dispositions, that they would not abuse their power!

No; Englishmen should disdain to hold their rights and franchises by any other security than the laws and Constitution of their country. On this principle, he should give every possible opposition to a bill subversive of freedom; a bill vesting an arbitrary power in the Crown, and introduced by men, for whom, as Ministers, he had the utmost contempt.

Mr. Secretary DUNDAS. I feel it neceſſary to take notice of the charges brought by the honourable gentleman who has laſt ſpoken, and I truſt to be able to prove that no imputation whatever can poſſibly lie with reſpect to Government. As to what relates individually to myſelf, it would not be becoming at the period of life to which I have arrived to anſwer in my own juſtification. Thoſe who know me will be beſt capable to judge how far I am a perſon likely to be guilty of any abuſe of power, or unneceſſary ſeverity. It cannot be required of me to vindicate my character from an imputation of inhumanity. Before the honourable gentleman, however, brought ſuch a charge, it would have perhaps been more candid in him, and more conſiſtent with a regard for truth, to have inquired into the reality of the fact on which the charge was founded, and to have waited for an anſwer. Such a conduct would ſurely have been more becoming in him, and more juſt with reſpect to me, than to have indulged in cenſure and animadverſion before he had aſcertained that the fact itſelf was well founded. In this inſtance the honourable gentleman ſeems rather to have conſulted the acrimony of his own temper, than that regard for truth which ought to be obſerved in whatever relates to the character of another. I can now aſſure him that the circumſtance which he has related is an abſolute falſehood. I never did give any direction with reſpect to the treatment aſcribed to my interference. It never could be my wiſh to treat with ſeverity the unfortunate men to whoſe caſe he has alluded. I was indeed applied to in their behalf by others who intereſted themſelves in their fate. My anſwer was, and the gentleman to whom it was made will bear teſtimony for me, that if it was poſſible for me, in the diſcharge of my duty, in conſequence of their connections, education, and rank in life, to ſhew them any favour, or treat them with any peculiar diſtinction, I would do it with the utmoſt chearfulneſs. Thoſe friends themſelves found upon inquiry, that it was not poſſible for me, in the diſcharge of my official duty, ſo to do; and thus the matter ended. The honourable gentleman has ſaid, that their humbleſt petitions for mercy were diſregarded. I deny that any petition for mercy was ever preſented by either of thoſe unfortunate men. One petition was indeed preſented (by Palmer), which I tranſmitted to His Majeſty, ſtating the illegality of his ſentence in direct terms, and praying redreſs, but not one word did it contain with reſpect to an appeal for mercy. I have likewiſe underſtood that a gentleman in town was requeſted by the parents of one of them (Muir) to interfere in order to render his ſituation in the voyage as comfortable as poſſible, and ſupply him with whatever accommodations he might want. But

when the gentleman, in compliance with this request, went on board the hulk to inform Muir of the steps which he had taken in his favour, instead of acknowledging his attention, he was exceedingly displeased, asked "what right he or his parents had to interfere in order to procure any mitigation of the hardships of his sentence?" told him that he gloried in his sufferings, as he was conscious of having incurred them in the discharge of his duty; that if what he had done was still to do, and he had all the consequences before his eyes, he would do it over again; and that his present situation, instead of being to him matter of regret and complaint, was, on the contrary, only matter of satisfaction and triumph." The gentleman, in consequence of this mode of talking, naturally concluded that he was light-headed, but had afterwards reason to suppose that his brain might have been turned by the visits of some illustrious persons, who had no doubt encouraged him in the notions, which he entertained with respect to his conduct and situation. Such is the state of the case; but that I should have been guilty of any wanton or unnecessary act of severity is, what, I trust, none who know me will be inclined to believe: and I defy any one to produc any instance in the whole of my official conduct, in which I have abused any discretionary privilege vested in me, as a reason why such privilege should not be granted in a season of emergency to the Executive Government of this country.—I shall now say a few words with respect to the immediate question before the House. It has been chiefly argued on the ground of precedent, and it has been contended, that no instance can be produced in our history in which the Habeas Corpus Act has been suspended in circumstances exactly similar to the present. It certainly is exceedingly difficult to find any two situations in which all the circumstances are exactly similar. But if we rest the question on the general ground of precedent, what do we find? In the present instance it is asserted that the suspension of the Habeas Corpus Act is tantamount to a complete subversion of our free Constitution, and an introduction of a system of despotism. Do the gentlemen forget, or have they never learned, that since the Revolution the Habeas Corpus Act has been no less than nine times suspended, and that these suspensions have taken place during the best times, and under the best Administrations. These suspensions have been introduced not for the subversion of the Constitution, but for its security. All the various Parliaments who sat during the different periods, have concurred in adopting them without conceiving that they thereby overturned the Constitution of the country. Without, therefore, any reference to particular periods, have we not a right to contend that no such idea was attached to

the suspension of the Habeas Corpus Act? It was suspended, as I have already stated, no less than nine times, and has any man or any historian ever asserted, that the consequence was found to be injurious to the Constitution? On the contrary, have not the liberties of our Government, and the rights of the subject, existed in full force subsequently to these suspensions, and flourished as much as at any former period? With respect to the danger being greater at the time of those precedents, than any which we have to apprehend in the present moment, I declare that whether I look to the year 1715 or 1745, or any other period of suspension, I would much rather meet the force of a foreign enemy or an open rebellion, than have to counteract the secret poison of domestic incendiaries. Taking, therefore, the question upon the general ground of precedents, we shall find the experience of facts, and the uniform testimony of history, to be in our favour, and shall be able to draw the conclusion, that not only has the suspension of the Habeas Corpus Act, in times of emergency, never been regarded in the light in which it is now attempted to be held up, but never has been in any instance found to be productive of those dreadful consequences with which we are now threatened. But it has been argued, that the men against whom this measure is taken, are men of no property, no rank or estimation in life, and therefore not worthy of notice. But let us look to what is the case in a neighbouring country. What description of men are there found to be now placed at the helm of affairs? are they those who formerly possessed rank, property, and estimation? and will it be contended from their example, that such only can be dangerous to a State? On the contrary, will not a very different conclusion be formed, and the necessity be perceived, of crushing the beginning of mischief, however obscure the quarter from which it originates? The Report lays before the House the simple fact that evinces the necessity of the present measure. What is their language? It is conveyed in one resolution, that the country ought to persevere in the measures for a reform, whether with or without the concurrence of Parliament: and how was this sentiment to be followed up? They had actually determined on calling a Convention, for the purpose of settling a plan of reform, on the principle of universal suffrage and annual Parliaments. Can such a Convention exist in this country, without directly striking at the root of the Constitution, and undermining the authority of the three branches of the Legislature? Such a Convention, if allowed to be followed up, has a direct tendency to introduce that system of anarchy and confusion, with all their attendant evils, of which a neighbouring country has afforded so fatal an

example. With respect to the credit due to the Report of the Committee, it has been said to rest upon the authority of one individual: the allusion there is evident to my right honourable friend (Mr. Pitt); but I really cannot see how any objection can be brought forward to that Report, as resting on the authority of one individual, which does not equally apply to the whole of the twenty-one, who were certainly equally concerned in the investigation, and must be equally responsible for the manner in which it has been conducted. I have had no hesitation in declaring my opinion, that a Convention for the purpose of obtaining universal suffrage and annual Parliaments, must have been subversive of the Constitution, and followed by a system of anarchy and confusion. But here I am told, that the same objects were formerly supported by my right honourable friend (Mr. Pitt). On what occasion did he appear as the advocate of universal suffrage, and of annual Parliaments? On the contrary, his opinion was always in direct opposition to these measures, and he even brought forward a distinct proposition, disclaiming that he had any such intentions in view. But here the honourable gentleman resorts to the Duke of Richmond, whose authority they are always so fond of quoting whenever it is in their favour; however little deference they may pay to his general opinions, or whatever want of delicacy they may shew in their attacks upon his public character. If his Grace had been a friend to such a measure at one time, it only proves that a very wise man might entertain a very foolish notion. The great objection to the proposition of universal suffrage was, that it was a doctrine entirely impracticable. Gentlemen may indulge in speculations and theoretic plans of reform in their closets, even while they are sensible that they are such as cannot be seriously carried into effect. From such speculations they may derive amusement, but it is not therefore to be supposed that they would at all events risk the hazard of attempting to introduce them into practice. Will the Duke of Richmond, or any man who wishes well to the country, bring forward such a proposition as that of universal suffrage, or annual Parliaments, at the present moment of alarm and danger, when it might lead to all these fatal consequences which have been exemplified in a neighbouring country? Had he indeed brought it forward at such a period when the consequence might be to throw all the powers into the hands of the lower classes, his conduct might then have afforded ground of serious accusation. But, indeed, did any man of common understanding, at present support such a proposition? I do not wish to consider as serious an expression of an honourable gentleman (Mr. Grey), because I am convinced that it was uttered in the heat

of debate; that rather than have no reform, he would adopt the plan of universal suffrage. That honourable Member has chosen to stile my right honourable friend (Mr. Pitt) an apostate. I would ask that honourable Member, who belongs to a Society (the Friends of the People) associated for the purpose of obtaining parliamentary reform, under what description his own conduct comes? Why has he not renewed in the present session the motion which he brought forward last year for a parliamentary reform? He has deferred it from a prudent regard to the circumstances, times, and occasions. But does he not recollect, that when he last brought it forward, that it was recommended to him to weigh the temper of the times? Does he not recollect that he was then told, that the question would soon get into other hands than his own? The prophecy is now fulfilled; the argument then made use of, has, by subsequent experience, been proved to have been well founded. The question has now indeed got into other hands. Can that honourable gentleman, with all the high professions with which he then came forward, and the contempt which he had expressed for all those who had formerly undertaken and abandoned the cause, state that he is any longer a leader in that business? Let him then recollect what he was formerly told upon moving the question, how much easier it is to agitate a question of difficulty than to regulate the discussion, and how little it is in the power of any individual, however respectable from his situation, or however upright in his intentions,

"To ride in the whirlwind, and direct the storm."

The question has now come to others, who differ as much from the honourable gentleman, with respect to principles, as he then did with us with respect to the propriety of the measure, or the expediency of bringing forward the discussion. I would ask the honourable gentleman, whether the proposition for a reform in Parliament has since appeared in the same shape in which it was brought forward by him, or as a stalking-horse, to cover views of a different tendency, and in their nature wholly subversive of the constitution? I will here only allude to an answer of the Society of the Friends of the People to an application for assistance from the Corresponding Society. In this answer there is a great deal of politeness; mention is made of a common interest, and an expression introduced of mutual good wishes, whatever difference of opinion might subsist between the two Secretaries, with respect to the most proper means of obtaining their object. But let me assure the honourable gentleman, that between that Society, with which he is connected, and

the Corresponding Society, there can subsist no common interest.— The Corresponding Society, in the whole of their conduct, have shewn a love of their proceedings, and a desire of imitating them. But I cannot conclude, without giving to the honourable gentleman credit for his good sense and magnanimity, in refraining to bring forward a proposition, however ardent in his mind, when he saw that its discussion must be dangerous to the country, and might ultimately lead to that system of anarchy which we must equally concur to reprobate, and which we are all equally concerned to avoid.

Mr. GREY rose to explain. He thanked the right honourable gentleman, who had just sat down, for his civility to him, and for which that right honourable gentleman was so remarkable on every occasion. He said that he had undoubtedly visited Mr. Muir on board the hulks, and he found him exactly as that right honourable gentleman had represented him to be—a man animated by strong enthusiasm, who conceived that he had committed nothing wrong, and who did not therefore feel his sentence as an ignominy. To that enthusiasm he had not given, nor did he conceive it possible to give, any additional strength. On his application to Mr. Dundas, in favour of these unfortunate men, he was also ready to admit, that the right honourable gentleman had shewn every disposition to alleviate their sufferings. On one point of Mr. Dundas's argument, he thought it necessary to set him right. When he had mentioned across the table that he had postponed his motion for a parliamentary reform, because it could not be made with safety, what he meant by the expression was simply, that he did not think it would meet with the desired success; he did not wish to expose it to the cavil and depreciation of which the enemies of the measure would avail themselves. Nothing could be farther from his thoughts, than to state the present season as unfavourable to the measure of reform.

Mr. COURTENAY said, he had spoken from no distrust of the right honourable gentleman's humanity; he had taken his information from authentic letters, and had used it as an argument against entrusting Ministers with extraordinary discretionary power. He was glad to hear the right honourable gentleman contradict such an injurious report, as far as respected himself. Still the fact remained uncontroverted. Messrs. Muir and Palmer had received no indulgence; and he had only to regret that the Secretary of State's wishes and orders had not produced a better effect.

Mr. SHERIDAN defended Mr. Courtenay from having intended to make any charge against the right honourable gentleman opposite him. He conceived that his honourable friend only meant, in his statement of the circumstances relative to Mr. Muir and Pal-

mer, to give the right honourable gentleman opposite him an opportunity of declaring whether they were true or not. He agreed with Mr. Grey, in complimenting the humane attention of Mr. Dundas, in every other respect, but that of applying to the fountain of mercy, to remit the sentences of these unfortunate men. It had been said, that no such application had been made; but on the contrary, when he had presented the petition from Mr. Palmer to that House in which, it was true, he had rather claimed justice than mercy, he was instructed to state, that its lateness was occasioned by the Petitioner's waiting the result of a memorial to the Queen, praying for mercy. The right honourable gentleman had not been quite so candid in stating that these men's heads were turned by some "Illustrious Visitants," as he was pleased to term them. For his part, he was not ashamed to own that he had been one of those visitants. He should rather have been ashamed, under all the circumstances, if he had not paid a visit to men, in his judgement, persecuted and oppressed. His advice to them was, however, to plead for mercy, and neither he nor his honourable friend had uttered a word for the purpose of strengthening their enthusiasm. The arguments, he proceeded to observe, which he had heard this night, were totally irrelevant to the question, unless it was to be stated, that a Convention for the purpose of effecting a Parliamentary Reform, was an attempt little short of high treason. Of the nine precedents which the right honourable gentleman had mentioned, not one was similar to the present case. And if the Constitution did survive these former suspensions, the present seemed to be a complete overthrow of the Constitution; for it could not be shewn that it would survive the present instance. It was not at all wonderful, if after a revolution (such as in 1688), there should be many disaffected persons in the country; and that they should have afterwards broke out into open rebellion; and under such circumstances it was policy to put extraordinary powers in the hands of the Sovereign. The honourable gentleman had said, that he would rather meet an open enemy, or a rebellion, than the secret poison, the sculking measures which these Societies had propagated and carried on. But was it proved that any such thing did exist? No such thing. The Societies bear no such feature or character. And if they did, theirs was a very extraordinary conspiracy; for it was a conspiracy carried on in the presence of every body. It was an open, garrulous, and stalking conspiracy. The conspirators met in gardens, fields, and in public houses; they announced, and even aggravated their purposes. Every document relative to their redoubted conspiracy had been published long before the Report of the Secret Committee! The measures now

adopted were infinitely more likely to produce a real conſpiracy; they did not go to declare a meeting for the purpoſe of promoting a Parliamentary Reform to be illegal; the ſame meaſures would of courſe be followed; but in a different manner. The remedy was not ſuited to the diſeaſe; it was not even ſtated as yet whether a Convention for that purpoſe was criminal. The right honourable gentleman, Mr. Dundas, had cenſured the idea of univerſal ſuffrage as impracticable, but this was merely a matter of opinion. It was not yet aſſerted that the maintenance of this theory ſhould be conſtructed into actual guilt. Would Miniſters propoſe to impriſon and detain all thoſe who entertained ſuch an opinion? If ſo, it was a ſeverity which muſt undoubtedly fail of its object. The Miniſters ſhould be aware of this failure, from a review of their paſt conduct. They had evinced a jealouſy of Parliamentary Reform ever ſince the firſt appearance of the French Revolution. But even from their own declarations it appeared that the reſult of their meaſures had been uniformly againſt their purpoſe. The proclamation, which was their firſt meaſure, was avowedly more directed againſt the "Friends of the People" than againſt any of thoſe ſeditious Societies. Yet that proclamation, it appeared, had begot nothing but tumult and inſurrection. Their next meaſure was the ſpreading abroad an hoſt of ſpies and informers. Theſe had only ſerved to increaſe the general turbulence. Their laſt meaſure was a ſevere ſyſtem of proſecutions, and the reſult of theſe was, according to their own ſtatement, "That a great part of the nation was now actually in a ſtate of rebellion!" In his own conviction, however, none of thoſe dangers had any actual exiſtence. The Report of the Committee was merely a political artifice. That Committee was compoſed of men in part deceiving, and in part deceived. It was equally ſuſpicious from its manner and its precipitancy. It went to ſurpriſe Parliament into the ſtrongeſt of all poſſible meaſures, from documents there adduced as novelties, but of which every man in and out of that Houſe was previouſly in the poſſeſſion. Miniſters were long ſince in poſſeſſion of every fact relative to theſe Societies. They had long ſince heard of their having had ſerjeants to drill them in back rooms, of their having been muſtered at the Cat and Magpye, and the Black Dragon; and the only reaſon why they did not proceed on theſe informations was, that they knew they were all falſe. But on the committal of Mr. Stone all theſe fictions were revived; though if there were any plot, thoſe two plots muſt be ſeparate and diſtinct, as Mr. Stone moſt certainly had nothing to do with theſe Societies. The concluſion of the Report, which formed the only novelty in point of matter, ſtated, that arms had been diſtributed to ſome of

these Societies. It was not stated whether those arms had been received from Sheffield, or whether each man, dreading the excesses of a Church and King mob, had determined to provide his house with a musquet. No evidence of this kind was furnished, and in fact it was an utter impossibility that such a distribution of arms, as was there suggested, could have been formed without the knowledge of Ministers, and without their knowledge having been obtained, at a time long antecedent to the present period. The early industry of the press, he observed, had been exercised in an uncommon degree, to second the management which had distinguished the bringing forth of the Report. He held now an hand-bill, under the following curious title: "The downfall of Jacobinism, or the plot discovered; to which is added, the glorious successes of the Duke of York, being an extract from the late Extraordinary Gazettes." This curious combination, however absurd it may seem, was a proof of the diligence which had been employed to excite and spread the general alarm. But he would appeal to the Members of that House, whether under all these circumstances, they did not expect a full discovery of some serious and pressing danger? In the course of last year, they had been told, that the system of prosecutions, and the associations of Mr. Reeves, "which did him such immortal honour," had totally changed the public mind. In the King's speech, at the close of the last session of Parliament, they were told that the attempts against the Constitution were completely checked. On the opening of this session, His Majesty was again made to rejoice, that the "steady loyalty" of his subjects had defeated every such attempt. Since that time, the hands of Government had been strengthened by the Alien bill, the Traitorous Correspondence bill, the new levies, &c. &c. yet the House was now called upon to declare, that His Majesty had been completely mistaken, that all those efforts had failed, and nothing would now be sufficient to preserve the existing Government, unless it were to be invested with the undefined exercise of an arbitrary power! But it was asked why the Opposition would not take the word of the Secret Committee, for the existing danger? He would answer, because it was not asked. The Report was made in such a way as to take from the Committee and from the Minister every share of responsibility. They had laid their proceedings before the House, and if the Commons chose to act upon these, the Ministers were not responsible. Such a power, obtained in such a manner, he was not willing to sanction. It was asked on a light and frivolous pretence; there was, therefore, every reason to apprehend that it would be exercised on pretences equally frivolous. The sentiments of those Societies he looked on as springing

from the feeds firft fown by Mr. Pitt, Mr. Burke and the Duke of Richmond. It was ungenerous in them firft to inftil the principles, and afterwards to treat their profelytes with rigour. Such a conduct could only tend to inflame the mind of the country, and to fill it with contempt for all public men. He then proceeded to prove, that thefe gentlemen were the authors of the prefent fermentation in favour of a Parliamentary Reform, by citing parallel paffages from the papers called feditious on the table, and the letters of Mr. Burke to his conftituents at Briftol; the Duke of Richmond's letters to Colonel Sharman, &c. He inferred that the former, though expreffed in lefs elegant language, conveyed no one leading idea, which was not obvioufly borrowed from the latter. He then made fome comparifons between them, in order to fhew the fimilarity between the new Societies, and former Conventions. The feditious publications of 1794 fay there will be an abfolute defpotifm. Thofe of 1782 had faid that liberty was in danger: "we lofe the fpirit of honeft equality;" fuch were the words of a right honourable gentleman (Mr. Burke) whofe fentiments were fince changed. Another paffage, in another refolution, fpoke thus, "Wicked contrivances are made to feparate us; let us unite with the people." The Society to which he belonged, the Friends of the People, and which in the prefent inftance had been made the object, though not of direct, yet of infinuated attack, had been uniformly confiftent: they had fet out with avowing that their object was a reform in the reprefentation upon conftitutional principles; and he defied any one to prove that they had deviated from it in any of their proceedings in the flighteft degree. Mr. Sheridan proceeded to inquire, whether, if a Convention was ftated to be held for the purpofe of Parliamentary Reform, the delegates were to be taken up, and imprifoned during His Majefty's pleafure? In that cafe, in his opinion, the only effect would be, that the jails would be filled with men whofe criminality was not defined, and at the fame time, fuch meafures could never accomplifh their purpofe. If this bill, therefore, was to be obtruded on the Public, it would be wife in him and his friends never to fet a foot in that Houfe again. He had been afked on the former night, what lofs would it be if his honourable friend (Mr. Grey) fhould put his threat in execution of leaving that Houfe? he would anfwer, that it would be a great lofs to the country, not only in lofing a gentleman of fuch great talents, but it would tend to leffen the character of Parliament in the public mind. And to fhew that fuch would be the cafe, he would relate a circumftance of a man who was afked to vote at the election for Weftminfter: "I would not vote," faid this man, "for Mr. Fox before, becaufe he was then Secretary of State;

but I will give him my vote now, because I think he acts like an honest man." Such were the opinions which people were apt to form of the Opposition. And if the present bill was to be passed into a law, neither he nor his friends would deem it any longer prudent to attend that House.

Mr. WINDHAM could not avoid remarking, that, with the exception of Mr. Sheridan, though much has been said in the course of the debate, yet all that had any bearing, or application to the subject in question, might easily be comprised within a nut shell: so that if measured by the extent of time [illegible], the progress in the debate may be thought considerable, but measured by the ground they had gained in their advances, it would be reduced to nothing. Laying aside those powers of discrimination which gentlemen were at other times so very happy in displaying, they would not now admit of any difference between the Convention alluded to by those Societies, and those harmless Conventions which had been formed for the purpose of obtaining a Parliamentary Reform. For his part, he was surprised how men of sense could so far attempt to impose upon themselves and others, in alledging that the words Parliamentary Reform were used by the seditious Societies for any other purpose than as a mask for their real intention of a total annihilation of all property, constitution, and religion. It was perfectly puerile to impute to them innocent intentions; for taking the whole chain and tenor of proceedings and resolutions, it was plain as the sun that what they meant by Reform, was the wildest anarchy, and resembling those sweeping amendments not unusual in that House, for leaving out every thing except the word "that." The gentlemen on the other side, against what he deemed the most infallible evidence, still affected to think that there was in reality no danger, or if there was danger, that lenity and not severity was the means by which it was to be averted. He was of a different opinion, and finding every thing at stake, would, if necessary, give up any thing in order to protect us from the most dreadful of all calamities. If this bill should not be sufficient, as he hoped it would be, to defeat any treasonable designs, he was extremely willing to entrust Government with still more ample power. But it had been asked, seeing that these Societies published some time back a part of those intention that now alarm you, why did you not then resort to the same measures which you wish to employ at present?—The answer was very simple [illegible] there were no means which he would not use [illegible] these principles, yet it was not always prud[illegible] means foremost, and resort, in the first inst[illegible] better be

reserved for cases of necessity. By proclamations, calling out the militia, and encouraging voluntary associations, &c. the Government might have rationally concluded that enough had been done to crush this dangerous spirit. These means undoubtedly had a considerable effect, and had retarded that maturity at which seditious projects were lately arriving; but finding, notwithstanding all these checks, they were still making head with redoubled diligence, it was proper to meet them with means fully adequate to their suppression. It was a fallacy to suppose that whatever effect democratic principles may have in France, there was any chance of their being innocent in England, where the people live under a free Government, and had no such grievances as those experienced by the French under the ancient despotism. In fact, the freedom of our Government gave the greater latitude for the introduction of those new principles, which did not apply so much to any political complaints as immediately to direct the lower ranks of people to exchange conditions with the rich. Wherever there was society, there must of course be property; and where there was property, there must also be a necessary distinction of ranks. But as the people of no property must ever constitute the majority and the physical strength of a state, all principles which tended to induce that majority to plunder and oppress the minority, must be equally dangerous to all Governments whether tyrannical or free. It would be a system to the full as destructive to the free States of America as to the most despotic Governments that ever appeared upon the face of the earth. He had, therefore, no confidence in the strength of the English Government to sustain itself against the unrestrained propagation of such a system. We had already occular demonstration of its deleterious qualities, and he would no more trust to any particular human Constitution to resist a dose of poison. After a poison had been found to operate fatally upon six or seven persons, it may appear very easy to speculate upon the causes. "Oh! it may be said, such a man died of it because he was young, and another because he was old; a second died because he was black, or a third because he was fair; a fourth because he was fat, or a fifth because he happened to be lean; a sixth because he wore a wig; a seventh because he wore his hair—but here is a man who is not exactly in the situation of any of the former. Let us see whether his constitution may not enable him to resist the poison." The answer of any reasonable man would be—"No! I have seen enough of its fatal effects, and will not consent to try any more such hazardous experiments." It was become of late a very fashionable practice to accuse the Ministers of the Crown, of Jacobin imitations, and

to apply to the Reports of Committees and other proceedings, the ſame epithets and language as were juſtly beſtowed upon the French Convention and their Committees. Their warmth would not allow gentlemen to conſider, that in all human tranſactions there is ſomething in common which cannot be quite diveſted of ſimilitude. If Barrere aſſerted, that "two and two make four" and he held the ſame opinion, he was not therefore any more to be accounted a Jacobin, than Captain Fluellen's hero to be confounded with Alexander the Great, becauſe "there is a river in Macedon, and there is a river in Wales—and there is ſalmon in both." "If, (ſaid he,) we are to be called a credulous or impoſing Committee, may we not with equal juſtice complain of a credulous or impoſing Oppoſition? If we are ſtigmatized as a Committee of Public Safety, ſhall not they be arraigned as a Committee of Jacobins? If they accuſe us of forwarding the uſurpations of deſpotiſm, may not we retort that they are advancing the ſtrides of deſolating anarchy?" There was, however, in the Report of the Committee ſufficient concurring evidence to prove the treaſonable deſigns of the Societies alluded to in a manner ſufficiently convincing to thoſe who did not reſolve upon being incredulous. He did not, he confeſſed, apprehend the ſame evil from the adoption of this meaſure, by which gentlemen ſeemed to be ſo much alarmed. The ſuſpenſion of the Habeas Corpus Act had no terrors in his mind; it was a meaſure which had been frequently adopted in the beſt time of this country, and had never, that he recollected, been attended with any very evil conſequences.—The queſtion now fairly for the diſcuſſion of the Houſe was, whether they were willing rather to ſubmit to the inconveniences that may poſſibly ariſe from the ſuſpenſion of the Habeas Corpus Act, or to the danger and calamity of the introduction of French principles and practices, ſo juſtly to be apprehended from thoſe Societies, if ſuffered to proceed with impunity—theſe were much more ſeriouſly to be apprehended than any degree of violence being exerciſed during the ſuſpenſion of the Habeas Corpus Act. Thoſe Societies, he contended, acted upon a general principle of depreſſion, and envied every man in the country, who happened to be elevated above them, by circumſtances of either rank or fortune. That there muſt be always a relative depreſſion in all countries, it was impoſſible to deny; and frequently the moſt numerous part of the community were its objects:—the minds of theſe people, the leaders of thoſe Societies, uſed every endeavour to influence, and draw from the ſtrict line of their duty, by miſrepreſentation and falſe arguments; he therefore on this account thought them highly dangerous, as the great maſs of the people who compoſed the phy-

fical ſtrength of the State were of this deſcription, and were more likely to be ſeduced from the right line of duty. On theſe ſeveral grounds he conſidered the Bill propoſed to be unexceptionable, and merit his ſupport.

Lord GEORGE CAVENDISH did not approve of the ſocieties that had been the ſubject of debate, however laudable their inſtitution. But if he ſaw occaſion, and really thought a conſpiracy exiſted, of which any treaſonable apprehenſion could be entertained, he ſhould feel it his duty to give his aid in bringing ſuch men to light, and to ſupport the Executive Power; though at the ſame time it muſt hurt his feelings in the higheſt degree, to differ with them with whom he had been ſo long accuſtomed to act, and for whom he entertained the higheſt public eſteem, united with the moſt ſincere private attachment; but on the preſent occaſion he could not perceive the ſame ground of alarm with the honourable Member (Mr. Windham) who ſpoke laſt; nor could he conceive the ſmalleſt neceſſity for the preſent meaſure, as, in his opinion, the law at preſent exiſting was ſufficiently ſtrong to reſtrain the evils of which they complained; he thought it neceſſary therefore to reſiſt, as far as in his power, any ſurrender of the liberty of his fellow ſubjects, by oppoſing the preſent bill.

Mr. DRAKE entered into a panegyric on the valour diſplayed in the war, and expreſſed his deteſtation of the demoniac proceedings in France. He ſaid, that the preſent queſtion was, whether the Britiſh Conſtitution was to exiſt or not; and then concluded his ſpeech with ſome warm encomiums on the preſent neceſſary meaſure.

Mr. FOX ſaid, he ſhould not have troubled the Houſe with any farther obſervations on the ſubject of the preſent bill, after having given his opinion ſo fully upon it the night before, but for the very extraordinary topics which had been introduced by his right honourable friend (Mr. Windham). If he had expreſſed himſelf warmly on the ſubject of this bill, he begged leave to ſay, after the moſt mature reflection, that he did not repent of ſuch warmth. He deſired to be conſidered as repeating and confirming every aſſertion— it was a bill characteriſtic of the worſt times, and which he feared predicted much calamity to the country. They were hurrying into that moſt dangerous and alarming predicament, which would produce either the horrors of anarchy and confuſion on the one ſide, or that deſpotiſm of Monarchy which Mr. Hume called the Euthanaſia of the Britiſh Conſtitution on the other; in either of which caſes he ſaw the complete extinction of liberty, and he dreaded to think what muſt be the ſhocking alternative which he, and other men

who loved the true principles of the Conſtitution, muſt be reduced to in the impending ſtruggle. The bill was characteriſtic of thoſe violent times, when inſtead of being guided by reaſon, we were to be put under the dominion of wild paſſion, and when our pretended alarms were to be made the pretexts for deſtroying the firſt principles of the very ſyſtem which we affected to revere. Every warm expreſſion therefore which he had uſed the night before, he now upon reflection juſtified and repeated; and even yet while a moment was left him he deprecated the horror of paſſing the bill into a law. He would paſs over all the leſſer topics of the ſpeech of his honourable friend, in order to come to that moſt portentous part of it which had made an impreſſion upon his mind never to be effaced, and which foretold the deſtruction of the Britiſh Conſtitution. It was an argument upon which, if the preſent meaſure was really founded, that he hoped would even yet make the Houſe pauſe before they proceeded farther. He had ſaid, that to the exiſting evil of the jacobinical doctrines, remedies ought to be applied in gradation. From mild remedies he would proceed to remedies leſs mild, from leſs mild to ſevere, and through all the degrees of ſeverity. What by this argument was he to think of the preſent meaſure? But that it was only one ſtep in his ladder, and that if this ſhould fail of producing its effect he had ſtill remedies more ſevere in reſerve. The honourable gentleman had tried already his gentle remedies; the Alien bill was an anodyne; the Treaſonable Correſpondence bill was alſo a gentle medicine; and as theſe remedies had failed of producing the proper effect, nay as by the King's ſpeech it was ſaid that notwithſtanding theſe meaſures, the evil ſtill exiſted with increaſed malignity, he was now to try this ſeverer remedy; with the declared intention that if this ſhould alſo fail, he had ſtill more violent meaſures to purſue. When the experiment ſhould have been made, and proved like all the former to have failed of producing the effects expected from it, he deſired to know what muſt be the anſwer to his queſtion if next year enough of the Conſtitution ſhould remain to enable him to put a queſtion to the honourable gentleman in his place—what would be done beyond this? After ſuſpending the Habeas Corpus act, what would he do more? Would he prohibit all meetings of the people ſo as to debar them from all diſcuſſions on political ſubjects, and prevent all free intercourſe between man and man? And when this ſhould be found ineffectual, would he give to Miniſters the power of making arbitrary impriſonment perpetual? Would he ſtill farther go on in the exact and horrid imitation of the men who now held France in anarchy, and eſtabliſh a revolutionary tribunal, or what perhaps he

would call an anti-revolutionary tribunal? Or where would he ſtop? What limits did he propoſe to make? Was there no end to his plan of ſecurities until he ſhould accompliſh the end of annihilating all doctrines that he might affect to dread, or deſtroy all the diſaffected ſpirits which he might pretend to exiſt in the country? It was of conſequence to the Houſe to ſee what they were doing. They were told that what they had done was not enough; and that even this might not be enough! Good God, what was to be done after this? Under the colour of pretended alarms they were to go on to an unlimited infringement and demolition of all the ſtrongeſt and moſt beautiful parts of the Conſtitution. The honourable gentleman was offended at the compariſon that was made between the conduct of Miniſters and their adherents this day, and the conduct of the preſent rulers in France, and he had with great felicity, quoted the compariſon of the river in Macedon and the river in Wales. But with all reſpect for his wit, the honourable gentleman muſt be content to incur the imputation of ſimilarity, when their conduct was ſo ſimilar. They had taken great pains to throw odium on the pretended deſigns of a Convention, on account of the word Convention. Now let gentlemen look at their conduct and ſee if it was not in ſubſtance the ſame as that of the preſent rulers in France. What was the conduct of the preſent rulers in France? That from day to day they ſpread ſtories of alarms, and plots, and conſpiracies, and inſurrections among the people, ſo as to inflame and agitate their minds, and to ſpread panic and terror over the whole country, that they might take advantage of their fears and obtain unlimited power, to be exerciſed in carrying on and confirming this very terror. For they inſpired the double alarm of danger from conſpiracy, and danger from the exerciſe of their own unlimited power, exerted as it every day was, in the moſt ſhocking murders, with hardly the aſpect or form of judicial trial. What was the conduct of the Jacobins here? Preciſely in the ſame manner they ſpread ſtories of alarms and conſpiracies, ſo as to fill the public mind with fear, and to uſe the jargon of the French, to make terror the order of the day. By ſpreading theſe falſe and idle alarms, they ſucceeded in obtaining powers deſtructive of the Conſtitution, which, as in France, were to be exerciſed with ſuch inhuman rigour, as to keep the country in double awe, and by foſtering indignation and diſcontent, give riſe again to new jealouſies, which ſhould give occaſion for ſtill farther ſtretches of power. Thus they followed the example ſet them by the men whoſe doctrines they pretended to abhor, with the moſt ſhocking fidelity. Every part of their conduct was built on the French model, and he dreaded that it would be

productive too certainly of the same effects. The precise question for the House was to compare the danger with the remedy. The pretended danger was, as they could gather from the documents that every one of them had seen published in the newspapers, that there was in certain societies a tendency to a Convention. Whether the word Convention was a bugbear that was to be held up to terrify their imaginations, he knew not, but it was of consequence to inquire a little into the nature of the thing, and not to be startled at names. A Convention, he supposed, meant no other than a meeting of the people, and if that meeting was for the discussion of any subject of general interest in a legal and peaceable way, there certainly was nothing in such meeting that could either call for or justify any such measure as the present. To a Convention that had for its purpose to overawe the Legislature, and to obtain any object, either of universal suffrage, or other wild and impracticable theory, he should not certainly choose to give his countenance. But if there was a Convention either of individuals for themselves, or of delegates of towns and districts for the purpose of striving by petitions and addresses to the branches of the Legislature to put an end to the present most ruinous and unprovoked war, he should certainly neither be ashamed nor afraid, at least nor until after the present bill had passed into a law, to attend, and be a Member of such Convention. But what was to be dreaded from even the Convention that was threatened, which the laws of this country were not of themselves sufficient to check? If they meant by their intended Convention to overawe the Government of this country at a moment of such unprecedented strength as the Government now possessed, he would say that they were fit for Bedlam, and for Bedlam only. So perfectly and entirely was it possible for Magistrates in every part of the kingdom to execute the laws, that he would venture to say, that if any man or men at such Convention committed any illegal act, he or they might be sent to prison and tried for the offence as securely as if no Convention existed. The danger then called for no such remedy, and it was not because any such remedy was necessary that the present bill was introduced. It was to keep alive the passions of the people; it was to agitate and alarm their minds, so as to put them under the dominion of terror, and take from them the exercise of their rational faculties. Ministers knew well the dangerous predicament in which they stood; they had weakly, and, as he thought, wickedly, involved the country in a most disastrous war; every day plunged them deeper and deeper in the fatality which they had brought upon their country; they saw no hopes of extricating the nation from it with honour, nor of pro-

ceeding in it with fuccefs, and they dreaded all reflection on the fubject: they knew that they had no fafety but in depriving the people of repofe; they knew that if the alarm fhould be fufpended for a moment, and if men had time and leifure for the exercife of their underftandings, the war and the principles on which it was undertaken would be fcrutinized and difcuffed. They dreaded to encounter fo hazardous an experiment, and all their meafures had been directed to keep alive an inceffant commotion fo as to fufpend all the operations of the public intellect. For this reafon a fubfcription had been fet on foot; he faid for this reafon, becaufe Minifters had been open enough to acknowledge that it was not for money. It was, they had declared, to excite the zeal of the people. Zeal was one of thofe fervent emotions which would be favourable to their views, and which, while it lafted, would keep them from examining the objects. But the fubfcription, he fuppofed, had not fucceeded to the hoped-for extent; that zeal which they had aroused was not equal, apparently, to the occafion, and they now ftrove to awaken a more powerful emotion, that of terror! In fhort, it was a Government of paffion, a Government in which Minifters ftrove to lull afleep all the fober operations of the mind, and to awaken only the fears and terrors of the heart. Reafon they dreaded, for reafon was their enemy. It was well faid by a philofopher of great character, that all men dreaded reafon who acted againft reafon: and certainly it was natural, and in the order of things, that animals, which by their practice counteracted the natural courfe and dictates of reafon, fhould fhrink and dread, as their enemy, thofe who feem to be guided by its wifdom. It had been faid that the Committee had been fpoken of in terms not the moft refpectful. He, for one, certainly could not fpeak of fome Members of that Committee without expreffing his high refpect and regard for them. He was not among thofe who gave up his perfonal friendfhips on account of differences in political opinion. A noble Lord near him (Lord George Cavendifh), had, in very affecting terms, deplored the circumftance, that in the prefent moment he differed from men fo near and dear to his heart, as to make him feel it like differing from himfelf; fo he might fay that with fome of thofe perfons, though he had not ties of confanguinity, he felt fo fincere a regard, and fo poignant a regret at differing from them, as to make it like a parting from himfelf. His early habits of refpect, his warm affections, all led him to this feeling; but the prefent was not a time to compliment men, or to fhrink from the fevere duties which confcience impofed, from recollections of tendernefs and efteem. He muft fay then, however highly he regarded fome individuals of that

Committee, that it was made up of two characters, men who were dupes themselves, of men who were willing to dupe others Their whole Report was trifling and inconsequential; it told nothing which every man did not know before; for the last assertion about arming, the honourable gentleman said was merely supplemental, and was not to be taken as a component part of the Report. Then what did the Report consist of? Of a collection of papers which had all been seen by the public, and which if they did contain any danger, was not a danger of to-day. It was known by every one, and steps might have been taken on the subject months ago. Their avowed intention was to procure a system of universal suffrage, and this the honourable gentleman said was what had destroyed France. However freely he might be disposed to agree with him, as to the wildness and impracticability of universal suffrage, he must doubt of the fact of its having been the cause of the destruction of France. On the contrary, universal suffrage was to be considered rather as the effect than the cause, for the book of the right honourable gentleman (Mr. Burke) which had produced such enormous and fatal effects in England, had charged upon the French, that they had not acted upon their own principles, but had narrowed the suffrage in a way totally inconsistent with their own doctrine. But were we to argue theoretically or practically from the example of France, which the honourable gentleman so incessantly presented to them? Was every man who had liberty in his mouth to be considered as a traitor, merely because liberty was abused in France, and had been carried to the most shocking licentiousness? He would venture to say, that if this was to be the consequence, fatal indeed would it be for England. If the love of liberty was not to be maintained in England; if the warm admiration of it was not to be cherished in the hearts of the people; if the maintenance of liberty was not to be inculcated as a duty; if it was not to be reverenced as our chief good, as our boast and pride, and richest inheritance! What else had we worthy of our care? Liberty was the essence of the British Constitution. King, Lords, Commons, and Courts of Judicature, were but the forms, the basis of the Constitution was liberty, that grand and beautiful fabric, the first principle of which was Government by law, and which this day they were going to suspend. He called upon the honourable gentleman to say, whether there was any true parallel between this country and the old Government of France, that gave us just cause to dread the same effects from jacobinical doctrines, which that despotic Government had suffered? France had no Habeas Corpus act; France had no system of respect for the liberties of the people: it had not been because France had

held out a mild and equal Government by laws, that France had been overcome by the doctrines of Jacobinifm. On the contrary, it was a fair conjecture, that if France had had a Habeas Corpus act, and had not fufpended it, if France had upon every occafion refpected the rights, and preferved the liberties of the people, the doctrines of Jacobinifm would not have prevailed over the eftablifhed power; he ftated this as not an improbable conjecture; he did not prefume to lay much ftrefs upon any fuch conjecture, but it was material to the honourable gentleman in fupporting his argument, to prove that the old Government of France had been overthrown, becaufe there was a want of power: for his argument was, that we muft go on from meafure to meafure, until we fhould arm Minifters with fufficient power to refift and overcome all innovation, and until they had rooted out all appearance of Jacobinical principles. Now the defpotifm of Louis XVI. had not been fufficient to fave France from the Jacobin doctrines. Were we to go beyond this defpotifm to give us a greater fecurity than France poffeffed? His doctrines went to the utter extinction of every veftige of the Conftitution; and fuch was the effect of his principle, that it was impoffible to limit the progrefs of his remedies; they were all to be hot medicines; he did not admit the poffibility of doing any good by the contrary practice. If one hot medicine failed, a hotter only was to be tried, and thus he was to proceed, through all the race of the moft powerful ftimulants, inftead of trying what the oppofite courfe of cooling mixtures and gentle anodynes might produce.—What the nature of his provocatives was, he had not condefcended to ftate. He had alluded to his former opinion, that if the laws of this country were not fufficient for the fuppreffion of feditious practices, the laws of Scotland, not as they really exifted, but as they were ftated to exift, fhould be introduced; and fo he fuppofed one of his plans was, that juries fhould decide by a majority inftead of deciding with unanimity, and that men fhould be punifhed with fentences more rigorous than immediate death; that is, fhould be fent to die far from all the civilized world, merely on account of a political opinion; and thefe feverities were to be introduced for what? Becaufe any great body of people were difaffected to the ftate: No, no fuch thing! It was the boaft of Minifters and their adherents, that every part of the country was moft ftrictly united in love and attachment to the Conftitution. But all this was to be introduced, becaufe fome low perfons without property and without confideration in the country, were found to entertain opinions about a parliamentary reform that were thought to be dangerous. How long would it take to eradicate thefe opinions from the minds of

these men? Did they mean to keep them all in confinement under this bill? They would be forward, he supposed, to disclaim any such intention. What did they mean then to do? To suspend one of the grandest principles of the Constitution of England, until there should be found no men within the kingdom tinctured with discontent, or who cherished the design of reform? If they meant to suspend the Habeas Corpus until such time, there was an end of it to the country. And what did they declare by this to all mankind? That there was no period when it was possible to restore to the country this grand and inestimable right; that the Constitution of England was fit only for an Utopian Society, where all men lived in perfect concord, without one jarring sentiment, without one discontented feeling; but that it was utterly unfit for a world of mortal and mixed men, not fit for any state of society that ever did exist upon the face of the earth, or that was ever likely to exist. Never, never then, upon this doctrine, was it probable that we should again recover this most essential part of the British Constitution, for it was not the will of providence that society should be formed so perfect and unmixed, so free from all passions, as to meet the ideas upon which it was contended that the Constitution of England could be with safety conferred upon them.

It was said that the example of France threatened not only this, but all the countries of the world. Whatever the honourable gentleman might feel upon this subject, there were several countries who thought differently, or who at least did not feel their protection by similar measures. They found their safer course was in being neutral as to the war, and by preserving to their people the blessings of peace and undisturbed industry. But America even felt alarmed. If it was true that America felt alarmed, it would be wise for that House to observe what had been their conduct in this alarm. Had they suspended their Habeas Corpus act? Had they passed an Alien bill? A traiterous correspondence bill? Had they shocked every feeling, every humane, and every considerate mind, by the scandalous rigour of their legal punishments? Had they plunged their country into a war, and loaded their people with new and excessive burdens? No; they had maintained a strict and perfect neutrality, as to the belligerent powers; and they had protected themselves at home, by exhibiting to their people, all the beauties of their own system, by securing to them all their privileges in their full enjoyment, by enlarging rather than abridging their liberties, and by shewing that so far from dreading comparison, they placed their confidence in leaving to the free judgement of the people the most ample discussion of political doctrines. With regard to the persons

who composed these Societies, he certainly knew little of them; it could not be supposed that he could entertain any partial opinion towards them, at least if men were to judge of the opinion they had always delivered of him; they had never failed to speak of Opposition, and of himself personally, with exactly the same expressions as they had used towards administration. The same distrust of their conduct, the same avowed hostility appeared in their writings to both. They had certainly paid him personally a compliment, in mentioning him at the same time with the right honourable gentleman opposite, as far as regarded the splendid talents of that right honourable gentleman; but it was not equally flattering to him to be put on a comparison with that right honourable gentleman, in regard to their right to the confidence of the Public. It was not likely therefore, that he was actuated by any partial regard to these Societies, but he considered it as an unwise and an illiberal course to take advantage of any odium that there might be against persons, in order to stigmatise measures which might otherwise be good. Though there were among those Societies, men of low and desperate fortunes, who might be very ready to embrace any enterprise however hazardous, and though there might be others, whom he believed from their characters, to possess wicked intentions, yet still this was no argument with him for throwing forth a general obloquy on measures which were in themselves harmless. To deny to the people the right of discussion, because upon some occasions that right had been exercised by indiscreet or bad men, was what he could not subscribe to. The right of popular discussion was a salutary and an essential privilege of the subject. He would not answer long for the conduct of Parliament if it were not subject to the jealousy of the people. They all entertained becoming respect for the Executive Government, that is, for the chief Magistrate of the kingdom, but their respect for the King did not supersede the vigilance of Parliament. And in his opinion the best security for the due maintenance of the Constitution, was in the strict and incessant vigilance of the people over Parliament itself. Meetings of the people therefore for the discussion of public objects, were not merely legal but laudable, and unless it was to be contended that there was some magic in the word Convention, which brought with it disorder, anarchy and ruin, he could perceive no just ground for demolishing the Constitution of England, merely because it was intended to hold a meeting for the purpose of obtaining a Parliamentary Reform. With respect to their plan, that of universal suffrage, he had never had but one opinion on the subject. He had constantly and uniformly considered universal suffrage as a wild and ridiculous

idea. When his noble relation, the Duke of Richmond, had one day taken pains to explain his ideas on this subject, a learned and ingenious friend of his had said to him, with as much truth as wit, "My Lord, I think the best part of your Grace's plan is its utter impracticability." He had always been of opinion that it was impracticable, and though he could not agree with the opinion that rather than continue the present state of representation, he would incur all the hazards of universal suffrage, yet he was ready to say that the measures of last year, the horrid and detestable prosecutions, the scandalous sentences that had been passed, and the scandalous way in which they had been executed, did not tend to make him wish less than heretofore for some reform that should protect the country against these things. If the Habeas Corpus act were suspended upon such an argument as had been advanced this night, and we were to go on step by step, as we were threatened, with the introduction of the Scotch criminal code, with the extinction, perhaps, of the trial by jury, and he should then be asked what was his opinion, he did not know but he should be ready to prefer any change to such a horrid situation as the country would be then reduced to. He was ready to own, that the events which had lately passed in France, had made a most powerful impression on his mind. He should not do justice to himself, if he did not frankly confess that they had served to correct several opinions which he had previously held; they had also served, however, to confirm many former opinions. They had convinced his mind of the truth of an observation of Cicero, one of the most common, which is early taught in our grammars, but from which, when a boy, his heart revolted. It was this,

"Iniquissimam pacem justissimo bello antefero."

He had, in the ardour natural to youth, thought this a most horrid and degrading sentiment. What, give up a just and glorious cause, merely on account of the dangers, and, perhaps, the miseries of war! When he came to maturer years, he thought the sentiment at least doubtful, but he was now ready to confess, that the events of the French revolution had made the wisdom of the sentiment clear and manifest to his mind. He was ready to say, that he could hardly frame to himself the condition of a people in which he would not rather covet to continue, than to advise them to fly to arms, and strive to seek redress through the unknown miseries of revolution. Our own glorious revolution in 1688 had happily been exempted from all these horrors; that of 1641 had shewn a great deal of this kind of calamity, but the French revolution had exhibited the scene in its most shocking aspect. The more, however, that

his heart was weaned from fuch experiments, the more he detefted and abhorred all acts on the part of any Government which tended to exafperate the people, to engender difcontent, to alienate their hearts, and to fpirit them up to refiftance and to the defire of change. The more he deprecated refiftance, the more he felt bound to oppofe all foolifh and prefumptuous acts on the part of Government, by which they expreffed a difdain for the feelings of the people, or by which they ftrove to keep down all complaint by inhuman feverities. He was convinced that wife men, deliberately weighing the relative duties of Government and people, and judging of human nature as it is, would fee the wifdom of mutual conceffions; would recommend inceffant conciliation, and would deplore all meafures which fhould exafperate and inflame the minds of the people, and induce them to wifh for the horrors of a change. Nothing was fo clear from all the hiftory of England, as that we had never been fo fortunate as when the Government had conciliated the people, never fo miferable as when a wretched fyftem of perfecution had been unhappily and unwifely adopted by Minifters. Perfecution had never been fuccefsful in extirpating oppofition to any fyftem either religious or civil. It was not merely the divinity of chriftianity that had made it triumph, for other religions, certainly not divine, but which were founded in impofture, as well as a number of the wildeft fects, had thriven and flourifhed under perfecution, on account, as he believed, of that very perfecution. The human mind was roufed by oppreffion, and fo far from yielding to perfecution, exerted all its energies in confequence of the attacks it had to encounter. Was it believed, that if there was a party in this country, who cherifhed in their hearts the defire of reform, that the fentiment could be extirpated by exercifing over the individuals legal feverities? Impotent were the men who thought that opinions could be fo encountered. There were fome things that were moft fuccefsfully vanquifhed by neglect. America held out to us the true courfe and the wife plan to be purfued. Let us, like her, demonftrate to every man the bleffings of our fyftem. Let us fhew that we not only are convinced that it is good, but that it will bear to be examined and compared with any other fyftem. Let us make the people proud to court comparifon, and ftrive rather to add new bleffings to thofe they enjoy, than to abridge thofe which they already poffefs. Let us think for a moment what muft be the joy which this meafure, if adopted in this country, will produce in France? How will it be received in the Convention? Barrere will, no doubt, triumphantly hold it forth as a proof that all the ftories which he has tried to propagate in France, of there being a party in this country favourable

to them, are true. At laſt he will ſay, it had broke out to ſuch a height that Miniſters could no longer think the Government ſafe, and had found it neceſſary to ſuſpend the Conſtitution, in order to protect the State againſt the French party. If any accounts of the true ſtate of this kingdom had reached France, which told them that we were united almoſt as one man againſt all doctrines which led to anarchy, Barrere would hold up this meaſure in contradiction to this faithful report, and ſay that it was obvious there muſt be a formidable party in England in favour of French doctrines, when one of the moſt beautiful branches of our boaſted Conſtitution was to be lopped from the tree. Nay, though he for one had always treated with ſcorn the idea of an invaſion, he aſked thoſe who held out this fear to the country, if any thing could be more likely to induce the French to undertake ſuch an enterpriſe than by thus giving to them the impreſſion that we were threatened with an inſurrection at home! Some words had paſſed, as if he had the night before ſaid that he would withdraw his attendance from the Houſe. He thought it incumbent upon him to ſay, that he ſhould act in that reſpect, as upon reflection he felt it to be his duty to his conſtituents. He had certainly not ſaid that he ſhould withdraw from the Houſe. He concluded with a ſtrong admonition to the Houſe on the preſent alarming meaſure. He ſaw it was to paſs; that farther effort was vain; that the precipitation with which it was hurried on, made it idle for him to hope that argument would induce them to heſitate; and all that remained for him was to pronounce his ſolemn proteſt againſt a meaſure pregnant with conſequences ſo fatal to the eſtabliſhed order, and ſtrength and freedom of the country.

Mr. Chancellor PITT ſaid, that from the lateneſs of the hour, and having little inclination to go much at length into a queſtion that had already been ſo fully diſcuſſed, he meant to detain the Houſe but a very ſhort time indeed; the able manner in which the bill had been defended and argued by his honourable friends that night, made it unneceſſary for him to ſay much. The right honourable gentleman had begun and concluded his ſpeech, with holding out, as an undeniable argument, that this meaſure went to impair materially, if not entirely to deſtroy, the conſtitution of this country—a mode of reaſoning that he could never allow to paſs without a reply; and, purſuing this ſtrain of argument, had pronounced, in very fine language, a moſt pathetic funeral oration on the ſuppoſed departed rights and liberties of Britiſh ſubjects, which he ſtated as having expired with the preſent bill—a bill, in his mind, nothing ſtronger or worſe than what had been known, from experience, and the practice of our anceſtors, to be a wiſe and pro-

per meaſure, when any caſe exiſted that made ſuch a meaſure neceſſary. This neceſſity, however difficult it might be to convince the right honourable gentleman of it, (who was not apt to be alarmed in any ſituation) he truſted, was fully made out, to the ſatisfaction of all thoſe who had given themſelves the trouble to beſtow the leaſt conſideration on the ſubject; and that neceſſity being proved to exiſt, it came then to be conſidered whether it was of a degree ſufficient to juſtify the ſuſpenſion of the Habeas Corpus act? which was, properly ſpeaking, the only queſtion before the Houſe. He granted that this was a meaſure of great importance, and a remedy only to be applied when the caſe was ſo urgent as to require it, as he thought the preſent did. Therefore, the fair ſtate of this queſtion, which gentlemen had to put to their own minds, was ſimply this, Whether the danger with which the Conſtitution and the Government of this country was threatened, by the practices now expoſed, was or was not greater than any danger that could reſult from putting into the hands of the Executive Government a more than ordinary degree of power, in order to reſiſt what they conſidered, and Parliament conſidered, as a very alarming conſpiracy in this country? The right honourable gentleman had carried his argument ſo far as to ſtate, that if this bill paſſed, it at once took away all the rights of the people, and privileges of Parliament; a doctrine which he never could admit, by whatever ability or eloquence it might be ſupported. But on this point it was an important conſideration, which had not at all been touched upon by any of the honourable gentlemen who argued againſt this bill, that it was only a temporary meaſure, adapted to an exiſting evil, and continuing in force for only a little more than ſix months, to inveſt the Executive Government with a temporary diſcretionary power of impriſoning perſons for that time, upon well-grounded ſuſpicion, without bringing them to trial; all the rights of the people, and all the privileges of Parliament, remaining uninterruptedly the ſame, and attaching all the while the ſame reſponſibility upon Miniſters that they were liable to in every other ſituation where they acted, and placing them in a ſituation equally anſwerable for any abuſe of that diſcretionary power, ſhould they be guilty of any abuſe of it. Stating the queſtion in this view, which was the real and proper ſtate of it, could any gentleman think that all the liberties of the ſubject and the privileges of Parliament were ſo completely done away by ſuch a bill, as to make it a queſtion whether a Member of Parliament ought or ought not to give up his attendance in Parliament to the intereſts of his conſtituents? He would not do thoſe honourable gentlemen the injuſtice to ſuppoſe that any of them thought ſo for a moment; and it would not be doing juſtice

to their own characters, were they to make any ſuch declaration. The right honourable gentleman, and thoſe who argued on the ſame ſide, had contended that in this and other meaſures of Government there was a ſtrong imitation of the French ſyſtem; upon what grounds they knew beſt, but hitherto they had never mentioned them to the Houſe. Where was the compariſon to be found? He would beg of Gentlemen to attend for a little to the ſtate of the two countries. Here a caſe was ſtated, and made out, proving that there was a party in this country, who avowedly aimed at the deſtruction of all civilized order, the annihilation of Parliament, and the total ſubverſion of the Britiſh Conſtitution itſelf, by introducing that abominable and ruinous ſyſtem of Jacobiniſm which had proved ſo fatal to France, and threatened the deſtruction of every eſtabliſhed Government in Europe. This being the caſe ſtated, it was intended to oppoſe this conſpiracy by a legal and limited meaſure, of a nature which the experience and wiſdom of our anceſtors had approved and found moſt beneficial. What, then, was to be compared to this in the ſituation of France, under the influence of the preſent ruling power in that country, miſcalled a Government, a power which, to ſupport its reprobated, deteſtable, and preſumptuous uſurpation, had recourſe to every ſtratagem that fraud, robbery, and injuſtice, could ſuggeſt. It was, therefore, unfair to impoſe any ſuch compariſon upon the Houſe, for, in the preſent inſtance, they were doing no more than, by Engliſh principles, reſiſting French crimes; and there could not be found the leaſt analogy or imitation that warranted ſuch a compariſon. The right honourable gentleman had then proceeded, in the climax of his imagination, to foreſee and augur conſequences the moſt portentous, ominous, and inauſpicious, from the arguments of the right honourable gentleman who ſat near him; and taking this as the firſt ſtep of the ladder towards the deſtruction of the Conſtitution, ſeemed terribly afraid about the extent to which it migh tbe carried; and on this point he had produced another ſingular argument, which was, that becauſe all the meaſures that had yet been taken had not checked the evil to which they were applied as a remedy, we ought therefore not to perſevere in endeavouring to get the better of it, by any ſtronger means that may be ſuppoſed more efficacious. But here it might be aſked, whether if thoſe meaſures had not been taken, and the vigilance of Government exerted, the evils complained of might not have been much greater now than they really were? and whether if no ſteps had been taken during the laſt two years, we ſhould have enjoyed the tranquillity that had prevailed for that period. We ſhould have been hurrying on to the ſame ſcenes of miſchief which had now been opened to the

country, the consequences of all which we had been saved from by the vigilance of Parliament and the exertions of Government, assisted by the general and prevailing opinions of the country. The right honourable gentleman had then said, that if we dreaded all that our alarms had suggested, and found that the measures adopted last year had not succeeded in checking those parties, we ought not to persevere by more severe measures, when there was reason to think that such measures had been of little avail, and that those of a cooler and more moderate nature would have been more adequate; but to what did the right honourable gentleman mean to apply those mild and moderate remedies? Did he suppose that the progress of a Jacobine Convention, were it to be once established in this country, was to be stopped, and its consequences avoided, by indulgence and concession? Or that indulgence and concession was fit to be applied as a remedy to so daring an attempt upon the existence of the Constitution. The right honourable gentleman wishes to preserve the British Constitution as it is, but certainly that cannot be while the systems of those Societies meet with indulgence and concession. For their own language clearly expresses that they will make no compromise with you; and it must be as clear, from their proceedings, that no indulgence or concession can be given them short of a surrender of every thing that is valuable in the British Constitution. It then must be allowed that resistance, and the strongest resistance that can be made, is absolutely necessary, notwithstanding all that had been so prophetically augured against severe measures, even in extreme cases. The right honourable gentleman had said, if there are such persons, to be sure you cannot like them; but never think that by persecution you will get the better of opinions, whatever they may be. Now if this sort of toleration to persons of the description which the Members of those Societies were proved to be, was to be given, what did it amount to? Nothing but toleration of the worst pieces of anarchy, sedition, and treason. In his idea about persecuting for political opinions, the right honourable gentleman needed not to suppose that there was any particular intention, by this bill, to go too great a length in that way; and, once for all, to answer that question, of "where are you to stop?" he would say, that the persecution, in no instance, ought to extend beyond what the necessity of the case required; and the temporary means proposed by this bill might be supposed the best remedy in the present case. He came next to those points on which the right honourable gentleman had argued at greater length than he thought necessary, viz. the degree of necessity that existed, the proofs of that necessity, and the nature of the remedy applied to the case. All these points he considered

the Houſe to be perfectly ſatisfied about, and ſaw no reaſon the right honourable gentleman had to introduce into that part of his ſpeech ſo much in favour of the right which the people had to meet for legal purpoſes, and in a conſtitutional way, nor their right to petition Parliament for a reform in the repreſentation of the people, becauſe theſe were points that never were diſputed, and had no connection with the queſtion before the Houſe.

With regard to the policy of ſuch an application to Parliament, when that queſtion was regularly before the Houſe laſt year, he had ſufficiently explained himſelf on the ſubject of parliamentary reform, and his opinions were ſtill the ſame. He denied that there was any analogy between ſocieties for reform in Parliament, with an intention legally and conſtitutionally to improve the repreſentation, and the Convention propoſed by thoſe Jacobin ſocieties for the deſtruction of Parliament, not its improvement; that the latter was the deſign of thoſe ſocieties was clearly proved on the authority of their own records; the bulk of them did not even pretend that reform was their wiſh or object; ſuch a meaſure was not in their minds nor their mouths, neither did their actions in any way correſpond with thoſe of men who really meant well to their country. To give any ſanction to them, under the idea that their object was a legal and conſtitutional reform, was too ridiculous a thing to merit a moment's notice; as well might they talk of admitting legal conſpiracies and legal aſſaſſinations, as that thoſe ſocieties had any legal purpoſe whatever in their ſyſtem. To corroborate his argument on this point, the Chancellor of the Exchequer referred to the Report, and read extracts from the proceedings of the Society for Conſtitutional Information, and the London Correſponding Society, which he contended were the mainſprings in this deſtructive ſyſtem, which called for ſuch immediate and powerful reſiſtance. What he had read from their own books, he thought, proved ſufficiently that it was from hypocriſy only that they made uſe of parliamentary reform as a pretext for their real and miſchievous deſigns; and the papers inſerted in the Report, were, in his mind, a complete anſwer to all who confounded them with reformers of Parliament, and likewiſe to thoſe who had ſaid that the Report contained no new matter whatever. He then proceeded to read more extracts from the Correſponding Society. In one of their proceedings they appoint a Committee to watch over the proceedings of Parliament, with a view to controul whatever may appear to them improper conduct, and which they are to do during the ſitting of their intended Convention, expreſſing at the ſame time, that as no redreſs of their grievances was to be expected from that quarter, it was their dut

to repel tyranny by the ſame means by which it was ſupported. On this point he was aſtoniſhed to hear the ſame arguments uſed by the right honourable gentleman which had been uſed on a former night, reſpecting the right which the people at large had to watch over the proceedings of Parliament, and to interfere when any meaſure was going forward which they might conceive to be againſt their intereſts. What aſtoniſhed him was that any thing of this ſort ſhould be offered as a palliation for the conduct of this ſociety: for after their union with the other in the ſame ſyſtem and objects, they avowedly came to reſolutions not to appeal or apply to Parliament for redreſs of their ſuppoſed grievances, but proceed to acts of authority and controul over the functions of Parliament. He then ſaid, with regard to nothing new being in the Report, that there was certainly enough proved by it, and whether the proofs were old or new, provided they ſubſtantiated the grounds upon which the alarm took place, it was of little conſequence. However, they were not all old, for until the ſeizure of thoſe papers, the correſpondence with the club at Norwich had never been known, and it was one of the moſt important diſcoveries that thoſe papers contained, as it brought to light the general intention of aſſembling their Jacobin Convention. As to what had been known two years ago, could any body ſay that theſe tranſactions were unconnected with the ſubſequent and progreſſive proceedings of thoſe ſocieties, and did not form a very material part of that chain of conduct which it was neceſſary to trace from its origin down to the preſent moment? One part of the right honourable gentleman had allowed to be new; he thought the whole was new; but he meant that part which ſtated that theſe ſocieties were preparing arms to be put into the hands of thoſe who were to carry their meaſures into execution. But it had been curiouſly objected to this article, that not being in the body of the Report, but given ſeparately, it was not to be depended upon as ſo authentic. To this he would anſwer, that this piece of information was cautiouſly given, becauſe the Committee had not at the time the Report was made up, been able to make ſo full an inquiry as the importance of the ſubject required: they however were convinced now that they would ſoon be in poſſeſſion of ſuch information as might lead them to propoſe to Parliament ſome farther meaſures reſpecting that article. Another reaſon for making it a ſeparate article was, that the full information contained in the Report reſpecting the intended Convention, was, in their minds, ſufficient to warrant the proceedings that were intended to be founded upon it. Then, as to the propriety of the remedy, without again recurring to the arguments uſed againſt perſecution for matters of opinion, he would

ſhortly ſay, the remedy amounted to nothing elſe but putting a legal reſtraint on criminal actions. The preſent amounted, in his opinion, to a conſpiracy of that nature which was an equal, if not a much ſtronger reaſon for ſuſpending the Habeas Corpus act than the caſes of invaſion and rebellion, which had been alluded to. Mr. Chancellor Pitt here ſeemed to expreſs ſome degree of ſurpriſe that Mr. Fox ſhould have aſcribed the ſucceſs of the Chriſtian religion to pure human action, and not to the divinity of its inſtitution.—And laſtly, he came to that part of the right honourable gentleman's ſpeech which noticed the effect which this meaſure would have upon our enemies, but firſt he would ſhew how it would affect our own domeſtic enemies—it happened that the paſſing of a Habeas Corpus bill was the very firſt meaſure that they had fixed upon as a ſignal to aſſemble their Convention and put their ſchemes in practice. Now if this bill was paſſed before this doctrine of theirs was promulgated either at home or to our foreign enemies, it might eaſily be gueſſed what would be the effect upon this deſperate ſet of men. With regard to the meaſure being a likely one to invite the French to invade us, the right honourable gentleman had ſpoken boldly and nobly on that head, when he ſaid that he did not dread an invaſion, but would not invite one. In this opinion he moſt perfectly agreed with the right honourable gentleman; the material difference between them was this, that he believed the effect would be quite otherwiſe on our French enemies; and as to diſaffected perſons in this country, whatever their numbers might be, it was proper that the vigilant exertions of the Executive Government ſhould be at leaſt equal to their activity. He concluded by defending the general policy of the meaſure, and apologiſing to the Houſe for detaining them ſo much longer than he at firſt intended.

Mr. FOX, in explanation, ſaid, the right honourable gentleman had completely miſunderſtood and miſ-ſtated what he had ſaid reſpecting the Chriſtian religion, although he had taken particular pains to make his meaning clear. What he had ſaid was, that the Chriſtian religion had not been cruſhed by perſecution, but owed part of its ſucceſs to that cauſe; and that even other religions, founded on impoſture, had likewiſe ſpread under perſecution. He repeated what he had ſaid reſpecting a proper vigilance in the people, about the proceedings of Parliament, and their right to aſſociate for legal purpoſes. He declared, if ſuch a bill as had been alluded to by his right honourable friend (Mr. Windham) to aſſimilate the law of this country to that of Scotland, was ever to be introduced into that Houſe, he ſhould think it his duty to aſſociate with perſons from the different counties and towns in England, to

resist it by every legal and constitutional means. With regard to disaffected persons, no country was without them, but the bill was holding out to our enemies that they were so numerous as to require the strongest efforts of the Executive Government to resist them.

Mr. Chancellor PITT expressed his satisfaction in the explanation given by Mr. Fox, and assured him, that what he had said arose from misconception.

Mr. THOMPSON said, he rose not to justify any of the societies. If they were criminal let punishment fall where there was guilt. He wished only to explain the correspondence alluded to in the Report of the Secret Committee, between the Corresponding Society, and the Society for Constitutional Information, of which he was a member. The Society for Constitutional Information would not agree to the use of the word Convention, which they thought might give a false impression of their intentions, and on the Friday following, they resolved that they would not send delegates to any meeting. Why was not this resolution mentioned in the Report? No circular letter had been sent to other societies by the Society for Constitutional Information; and he asked the Chancellor of the Exchequer, as a Member of the Secret Committee, whether he did not recollect having seen the resolution above-mentioned in the books. If he had not, it must have been omitted by the Secretary either through negligence or design.

Mr. Chancellor PITT admitted that no circular letters had been sent by the Society for Constitutional Information. The books of the society appeared to be kept with the utmost regularity in point of form. He did not recollect whether or not they contained any such resolution as the honourable gentleman had stated, and wished him to mention the date.

Mr. THOMPSON said, he did not recollect the date, but was certain as to the fact; and if the resolution did not appear on the books the Secretary must have suppressed it.

Mr. GREY said, this was a new fact to prove the whole Report of the Secret Committe a scandalous imposture. A Member of the House had stated a resolution to which he himself was a witness. Could the Chancellor of the Exchequer deny that it was upon the books? To say that he did not know, was to say that the Committee had reported to the House on the contents of papers which they themselves had not examined.

Mr. Chancellor PITT said, he should give no answer to a question put in such a tone.

Mr. CURWEN observed on the rashness with which the House was proceeding, without ascertaining facts. He had quitted the So-

ciety of the Friends of the People on no ſuſpicion that the gentlemen who remained in it would ſuffer themſelves to be miſled, and was ſtill the advocate of parliamentary reform.

Major MAITLAND ſaid, the arguments for the bill, as far as they depended on the conduct of one of the ſocieties, were now admitted to be falſe; and the Report of the Secret Committee was contradicted in a point of fact by the only Member of the Houſe who could ſpeak to it of his own knowledge.

Mr. JEKYLL ſuggeſted to the Houſe that it had been completely miſled, and was going to vote away all that was left, to diſtinguiſh us from a deſpotic Government, upon erroneous ſtatements. After the information afforded by Mr. Thompſon, and which there was no attempt to diſprove on the other ſide of the Houſe, he had a right to aſſume that the papers contained in the Report, were not thoſe that belonged to the Conſtitutional Society. That their Secretary, or ſome other perſon, had been bribed to ſubſtitute falſe papers inſtead of thoſe that were genuine—and that the whole was a forgery and impoſture of the ſame kind, and with no better object than thoſe of Titus Oates. In order to make the neceſſary inquiry, he moved that the debate be adjourned.

Strangers were ordered to withdraw, after which the debate continued for ſome time with great warmth; and the Houſe divided—

Ayes 33 Noes 183.

After the diviſion an altercation took place on the re-admiſſion of ſtrangers.

Mr. Chancellor PITT inſiſted on the doors being kept ſhut.

The diſcuſſion on the miſrepreſentation of the proceedings in the Society for Conſtitutional Information, as ſtated by Mr. Thompſon, was revived. It was ſaid, in ſtrong terms, that the Secret Committee had falſified or miſquoted the books of the ſociety.

Lord Mulgrave and Mr. Jenkinſon returned from a re-examination of the books.

Mr. SHERIDAN, Mr. CURWEN, and Major MAITLAND, contended that from the ſtatement of the Members of the Secret Committee, there was an acknowledged error or impoſition in their Report.

Mr. Chancellor PITT confeſſed that there was a miſtake, but denied that it was intentional, or of ſufficient conſequence to juſtify poſtponing the paſſing of the bill.

Mr. WINDHAM, with great warmth, defended the Secret Committee.

Mr. GREY juſtified his former expreſſions, in his queſtion to Mr. Pitt, and retorted with great ſeverity.

He was called to order by General SMITH, and the Speaker interpoſed.

Mr. FOX inſiſted that the detection of this error, if error it muſt be called, was a new proof that the Report of the Secret Committee was founded on impoſture.

The bill being read a third time,

Mr. HARRISON moved, that the following clauſe ſhould be added by way of rider:

"And be it further enacted, That if any perſon ſhall be committed to priſon under the powers of this act, and ſhall not be proceeded againſt or indicted in the term next after ſuch commitment; ſuch perſon ſhall be delivered or admitted to bail in like manner as if the act had not been made."

Which was negatived without a diviſion.

After farther debate, the gallery ſtill continuing ſhut, the Houſe divided on the queſtion that the bill do paſs.

Ayes 146 Noes 28.

Mr. Chancellor PITT then moved an addreſs of thanks for His Majeſty's Meſſage; and that a copy of the Report of the Secret Committee be ſent to the Lords.

Mr. SHERIDAN moved, that the Report be printed, which, after ſome converſation, was agreed to. The Houſe adjourned.

LIST of the MINORITY who divided on the MOTION to ADJOURN to prevent the third reading of the bill to ſuſpend the HABEAS CORPUS ACT, on Saturday, May 17, 1794:

Fox, Right Hon. Charles James
Maitland, Hon. T.
Howard, Henry
Huſſey, William
Jekyll, Joſeph
Baring, Sir Francis
Wycombe, Earl of
Harriſon, John
North, Dudley
Sturt, Charles
Antonie, Lee
Lambton, H.
Tarleton, Colonel
Courtenay, John
Burch, J. R.
St. John, St. Andrew
Taylor, M. A.
Milnes, R. S.
Winnington, Sir Ed.
Spencer, Lord Robert
Byng, George
Curwen, J. C.
Rawdon, Hon. John
Aubrey, Sir John
Church, J. B.
Weſtern, C. C.
Thompſon, Thomas
Bouverie, Edward
Vyner, R.
Fletcher, Sir H.
Fitzpatrick, General
Erſkine, Hon. Thomas
Milbanke, Ralph
Hare, James
Francis, Philip
Ruſſell, Lord William
Jervoiſe, Clerke Jervoiſe

TELLERS.

Sheridan, R. B. Grey, Charles

Additional MEMBERS who voted on the SECOND DIVISION in Adjournment the fame Day.

Cavendifh, Lord G. H.
Wharton, John
Smith, William
Howell, David

Monday, 19th May.

Mr. Secretary DUNDAS faid, he fhould on fome future day move the thanks of the Houfe to Sir Charles Grey and Sir John Jervis, and all the officers and men under their command, for their eminent fervices in the Weft Indies; but as he was now up, he wifhed to know of an honourable gentleman oppofite to him (Mr. Sheridan), whether he intended to bring forward the motion he had given notice of to-day; for if he did, and the matter was likely to proceed to much length, he fhould be under the neceffity of moving an adjournment of the Houfe, for it was not in his power to attend to-day.

Mr. SHERIDAN faid, his motion would not be very long; and he hoped it would not require much difcuffion, for he had hopes the right honourable gentleman would agree to it; at the fame time, as the right honourable gentleman could not attend to-day, he fhould defer it.

The Houfe adjourned.

Tuefday, 20th May.

Received a meffage from the Lords that they would proceed in the trial of Warren Haftings, Efq. to-morrow, at two o'clock precifely.

Alfo, that they had received the books and papers prefented by the Houfe of Commons, and being defirous, at all times, of having a friendly correfpondence with that Houfe, more efpecially at the prefent alarming and dangerous crifis, they would therefore return the books and papers at any time they might be requefted fo to do, or as they might be wanted by the Commons.

Mr. SHERIDAN remarked, that there was fomething fingular in their Lordfhips' meffage, for they only faid, they would not put the papers in their pockets, but were ready to return them. They were filent as to any meafures they had adopted, or meant to adopt; to him there feemed fomething enigmatical, that a bill hurried through that Houfe with fuch precipitation, fhould fleep in the other. He was induced to fuppofe, they did not conceive the danger fo imminent as was apprehended.

Mr. Secretary DUNDAS faid, in the motion he was about to

propose, he thought there could not be any variation of opinion—He called the attention of gentlemen to the situation of our West-India Colonies at the close of the last war, which he stated to be such as to give our enemies evident superiority whenever a war should again break out; to secure them by a wise plan became therefore matter of importance. His Majesty's Ministers accordingly very early directed an extensive powerful force for their protection, and the brilliant successes which had followed were to be expected from the able and gallant officers who commanded it. Mr. Dundas pronounced an elegant panegyric upon Sir Charles Grey, and the other commanders, but, he observed, it was not his intention to confine his motion of thanks to them only; for he regarded it as sullying their laurels, not to bestow a wreath also on the heads of the other brave men who shared in the toils of the day. He concluded by moving the thanks of the House to Sir Charles Grey, Sir John Jervis, Major-General Prince Edward, and Sir Henry Dundas, and to the officers, soldiers, and seamen under their command.

Mr. SHERIDAN said, he thought that in a motion of this sort, where the most perfect unanimity would prevail, the right honourable gentleman should have kept perfectly clear of any extraneous matter on which there might be difference of opinion. The right honourable gentleman, however, had entered into a view of the importance of these islands, which he certainly was not inclined to discuss now; and had, very modestly indeed, insinuated some degree of praise to himself and his colleagues, as to the plans, upon which he should offer no opinion; and the choice of commanders, for which Ministers certainly deserved credit; he did not, however, know with what he meant to contrast it, unless he alluded to certain transactions in the Mediterranean. Upon the subject of thanks to the common soldiers, he certainly agreed with him, and he hoped he should be able to feel a national pride, when he considered that a great part of these were Irishmen. He concluded, with recommending to Government, the employment of the Irish Catholics.

The following resolutions were then severally put, and passed *nem. con.*

That the thanks of this House be given to Sir Charles Grey, Knight of the most honourable Order of the Bath, for his late able, gallant, and meritorious conduct, in the West Indies.

That the thanks of this House be given to Sir John Jervis, Knight of the most honourable Order of the Bath, for his late able, gallant, and meritorious conduct, in the West Indies.

That the thanks of this House be given to Lieutenant-General Prescott, His Royal Highness Major-General Prince Edward, and Major-General Thomas Dundas, and to the several officers of the army under

the command of Sir Charles Grey, for their late gallant conduct and meritorious exertions in the West Indies.

That the thanks of this House be given to Rear-Admiral Thompson, and to the several Captains and Officers of the fleet under the command of Sir John Jervis, for their late gallant conduct and meritorious exertions in the West Indies.

That this House doth highly approve and acknowledge the services of the non-commissioned officers and soldiers in the army serving under Sir Charles Grey, in the West Indies; and that the same be signified to them by the Commanders of the several corps, who are desired to thank them for their gallant behaviour.

That this House doth highly approve and acknowledge the services of the sailors and marines serving on board the fleet under the command of Sir John Jervis, in the West Indies; and that the same be signified to them by the Captains of the several ships, who are desired to thank them for their gallant behaviour.

Mr. DUNDAS then moved,

That Mr. Speaker do signify the said Resolutions to Sir Charles Grey and Sir John Jervis.

Passed *nem. con.*—The House adjourned.

Wednesday, 21st May.

When the House returned from Mr. Hastings's trial, it was counted, and only seven Members being present, the Speaker adjourned it to next day.

Thursday, 22d May.

A message was received from the Lords, stating, that their Lordships had appointed a Secret Committee to inspect the books and papers sent from the Secret Committee of the House of Commons, and that their Lordships wished, that the two Committees should, from time to time, communicate with each other thereupon: and an answer, on the motion of Mr. Ellis, was sent to the Lords, stating, that the House had empowered its Committee to receive such communications from time to time.

The House adjourned.

Friday, 23d May.

Mr. BURKE. Mr. Speaker,—The licence of the present times makes it very difficult to talk upon certain subjects in which parliamentary order is involved. It is difficult to speak of them with regularity, or to be silent with dignity or wisdom. All our proceedings have been constantly published, according to the discretion and ability of individuals, with impunity, almost ever since I came into Parliament. By prescription people had obtained some-

thing like a right to this abuſe. I do not juſtify it. The abuſe is now grown ſo inveterate, that to puniſh it without a previous notice, would have an appearance of hardſhip, if not injuſtice.—Theſe publications are frequently erroneous as well as irregular, but not always ſo: what they give as reports and reſolutions of this Houſe, have ſometimes been fairly given.

It has not been uncommon to attack the proceedings of the Houſe itſelf, under colour of attacking theſe irregular publications; and the Houſe, notwithſtanding this colourable plea, has, in ſome inſtances, proceeded to puniſh the perſons who have thus inſulted it.—When a complaint is made of a piratical edition of a work, the author admits that it is his work that is thus piratically publiſhed; and whoever attacks the work itſelf in theſe unauthoriſed publications, does not attack it leſs than if he had attacked it in an edition authoriſed by the writer.

I underſtand, Sir, that in a place which I greatly reſpect, and by a perſon for whom I have likewiſe great reſpect, a pamphlet publiſhed by a Mr. Debrett, has been very heavily cenſured. That pamphlet, I hear (for I have not read it) purports to be a Report made by one of your Committees to this Houſe. It has been cenſured (as I am told) by the perſon, and in the place I have mentioned, in very harſh and very unqualified terms. It has been ſaid, and ſo far very truly, that all times, and particularly at this time, it is neceſſary for the preſervation of order and the execution of the law, that the characters and reputation of the Judges of the Courts in Weſtminſter Hall ſhould be kept in the higheſt degree of reſpect and reverence; and that in this pamphlet, deſcribed by the name of a libel, the characters and conduct of thoſe Judges upon a late occaſion had been aſperſed, as ariſing from ignorance or corruption.

Sir, I think it impoſſible, combining all the circumſtances, not to ſuppoſe, that this ſpeech does not reflect upon a Report which, by an Order of the Committee on which I ſerved, I had the honour of preſenting to this Houſe.—For any thing improper in that Report I am reſponſible, as well as the other Members of the Committee, to this Houſe only. The matters contained in it, and the obſervations upon them, are ſubmitted to the wiſdom of the Houſe, that it may act upon both in the time and manner that to your judgement may ſeem moſt expedient, or that you may not act upon them at all, if you ſhould think it moſt uſeful to the public good. Your Committee has obeyed your orders; it has done its duty in making that Report. I am of opinion with the eminent perſon by whom that Report is cenſured, that it is neceſſary, at

this time very particularly, to preferve the authority of the Judges. This, however, does not depend on us but upon *themfelves*. It is neceffary to preferve the dignity and refpect of all the conftitutional authorities. This, too, depends upon ourfelves. It is neceffary to preferve the refpect due to the Houfe of Lords: it is full as neceffary to preferve the refpect due to the Houfe of Commons; upon which (whatever may be thought of us by fome perfons) the weight and force of all other authorities within this kingdom effentially depend. If the power of the Houfe of Commons is degraded or enervated, no other can ftand. We muft be true to ourfelves; we ought to animadvert upon any of our Members who abufe the truft we place in them: we muft fupport thofe who, without regard to confequences, perform their duty.

For your Committee of Managers, and for myfelf, I muft fay, that the Report was deliberately made, and does not, as I conceive, contain any very material error, nor any undue or indecent reflection upon any perfon. It does not accufe the Judges of ignorance or corruption. Whatever it fays, it does not fay calumnioufly. This kind of language belongs to perfons whofe eloquence entitles them to a free ufe of epithets. The Report ftates that the Judges had given their opinions *fecretly*, contrary to the almoft uninterrupted tenor of parliamentary ufage on fuch occafions. It ftates, that the opinions were given, not upon the *Law*, but upon the *Cafe*. It ftates, that the mode of giving the opinions were *unprecedented, and contrary to the privileges of the Houfe of Commons*. It ftates, that the Committee did not know *upon what rules and principles the Judges had decided upon thofe cafes*, as they neither heard them, nor are they entered upon the journals. It is very true that we were and are extremely diffatisfied with thofe opinions, and the confequent determinations of the Lords; and we do not think fuch a mode of proceeding at all juftified by the moft numerous, and the beft precedents. None of thefe fentiments are the Committee, as I conceive, (and I full as little as any of them) difpofed to retract, or to foften in the fmalleft degree.

The Report fpeaks for itfelf. *Whenever an occafion fhall be regularly given to maintain every thing of fubftance in that paper, I fhall be ready to meet the proudeft name, for ability, learning, or rank, that this kingdom contains, upon that fubject*. Do I fay this from any confidence in myfelf? Far from it!—It is from my confidence in our caufe, and in the ability, the learning, and the conftitutional principles, which this Houfe contains within itfelf, and which, I hope, it will ever contain; and in the affiftance, which it will not fail to afford to thofe, who with good intention do their beft to

maintain the effential privileges of the Houfe, the ancient law of Parliament, and the public juftice of the kingdom*.

The Houfe adjourned.

Monday, 26th May.

Mr. HOBART brought up the report of the bill for the Relief of Infolvent Debtors under certain circumftances.

Mr. JEKYLL obferved, that no reafon had been affigned for dating the period of the operation of the bill fo far back as the firft of January. He thought it would be better, more equitable, and more confonant to the rules of common fenfe, that the operation of the bill fhould come up to the 27th of April, which was the day on which the bill was brought forward by a noble Lord in the other Houfe; he believed that but few, if any, fham judgements could have been figned, or fham executions iffued, between the firft of January and the 27th of April laft, in confequence of benefiting infolvent debtors by this bill, for they could have had but little expectation of fuch a bill as this, before it was brought forward; the general expectation was, that of a bill to regulate the law of debtor and creditor; this was not a meafure of that nature, nor any thing like it; at all events, it would be better that a few fraudulent debtors, if there were fuch, fhould be difcharged, than that all the unfortunate ones who had been imprifoned in the intermediate period he alluded to, fhould be confined; he therefore wifhed the 27th of April to be the date of the bill, inftead of the 1ft of January. He was certain that on the one hand the Houfe would wifh to do juftice, and prevent all impofition; on the other, he was certain, it would be their wifh to make the act as extenfively beneficial as lay in their power.

The MASTER OF THE ROLLS expreffed his wifh that fome permanent law could be adopted—which would render fuch acts unneceffary, for they were a reflection upon our laws, and proved, that in them there muft exift fome fundamental error. He expreffed his wifh to make the act as extenfive as could be done with fafety, for he confidered, that changing the date of its commencement might endanger the bill altogether; of the neceffity of which, he was well convinced, and the difappointment that it would occafion to numbers, would be cruel in the extreme. He obferved, that the numbers who had thrown themfelves into the King's Bench

* In this fpeech, Mr. Burke is fuppofed to refer to a fpeech of Lord Thurlow's the preceding day, for which fee the debates of the Houfe of Lords of that date.

and Fleet prisons, from a hope of this act, bore no proportion to those who were confined by actual creditors, at least from the period proposed by the learned gentleman. He could, himself, wish the bill should remain for the 1st of January, as it at present stood; further than the 12th of February he could not agree to.

Mr. HUSSEY said, he could not conceive why the 12th of February, or 1st of January, should be adopted, rather than any other day. He could see no reason why the bill should not commence from the day of the noble Lord's moving for leave to bring it into the Upper House; as previous to that no person could know any thing of it.

The amendment that the bill should go to the relief of all debtors, confined previous to the 12th of February, whose debts do not amount to 100ol. was moved and agreed to.

The bill was then ordered to be engrossed, and read a third time.

Mr. SHERIDAN called the attention of the House, to what was, in his mind, a subject of considerable importance to the country, as under the present circumstances, a rupture with America must be attended with the most ruinous consequences to this country; the ignorance, inability, and inattention of Ministers, had already involved the country in one war, and he thought it but right that the attention of the country should be directed to prevent the same inability and indiscretion, from involving us in another. It had once a happy effect, when Ministers wished to involve the country in a war with Russia, when they saw the people averse to such a measure, they thought it more prudent to abandon it, notwithstanding they were supported in their opinions by a majority of that House. If there was any expectation of a rupture with America, he thought it would be wise not to prorogue the Parliament for any considerable time, but only by short adjournments, that in case such an unfortunate event should take place, His Majesty might have the advantage of the advice of Parliament on such an emergency. The reasons he had for supposing that such an event was apprehended and likely to take place, was a paper, a copy of which he held in his hand, and which, by persons conversant in the affairs of America, was held to be authentic; and if it was not so, he held it to be the duty of the Servants of Government to contradict it; it purported to be a reply from Lord Dorchester, to the Delegates of several Indian Tribes, dated Quebec, February 10, 1794, from which reply it appeared, that his Lordship considered this country as on the eve of a war with America. Mr. Sheridan begged leave to read to the House two paragraphs from this reply, to shew, that

ſuppoſing it to be an authentic paper, that his Lordſhip conſidered a war with America as inevitable, for that their conduct had almoſt exhauſted the patience of this country. He obſerved, that it was not very probable that his Lordſhip would have ventured ſuch an opinion without inſtructions from His Majeſty's Miniſters; and, if they had ſent him out inſtructions, he thought it ſomewhat extraordinary, that when he mentioned, in the courſe of ſome diſcuſſion this ſeſſion, the defenceleſs ſtate of Halifax, the right honourable Secretary of State ſhould have ſaid, that there was no danger to be apprehended in that quarter, if, at the ſame time, he was conſcious of ſuch inſtructions having been ſent to Lord Dorcheſter. He concluded by moving, "That an humble addreſs be preſented to His Majeſty, that he would order a copy of the inſtructions ſent to Lord Dorcheſter to be laid before the Houſe."

Mr. Secretary DUNDAS, in expreſs terms, declared, that it was the firſt time he had heard of the ſpeech of the noble Lord that the honourable gentleman had alluded to. In equally explicit terms, he diſavowed having a knowledge of any orders being ſent from this country that had the moſt remote tendency to create a rupture with America. He entertained with the honourable gentleman the higheſt opinion of the prudence and diſcretion of Lord Dorcheſter, and was perfectly aſſured that the noble Lord would not do any thing raſhly. In his opinion, the whole paper was a forgery.

Mr. SHERIDAN ſaid, he was glad to hear Miniſters declare that the paper was not authentic; although, conſidering the effects it had produced, both in America and in this country, it might have become them to ſay ſo without being called upon.

Mr. FOX ſaid, that if the paper was a forgery, it could not be too ſoon known to be ſo. It had been publiſhed in America as authentic, and had tended much to render the people hoſtile to this country. If Miniſters could affirm that it was not authentic, that would be ſufficient; but if they could only ſay they did not believe that Lord Dorcheſter had delivered any ſuch anſwer, although from all he knew of Lord Dorcheſter, he was ready to ſay he did not believe that Lord Dorcheſter would have done any thing that was likely to produce a war with America, without expreſs orders from home, a formal diſavowal of the paper was eſſentially neceſſary.

Mr. Secretary DUNDAS ſaid he agreed with the right honourable gentleman, that Lord Dorcheſter was incapable of taking ſuch a ſtep, without expreſs inſtructions from home; and the ſuppoſition that any inſtructions to that effect had been given, was totally unfounded. On the contrary, Miniſters had uſed the utmoſt endeavours that circumſtances would permit, to put an end to hoſtilities,

in which the American ſtates were engaged with the Indians. With reſpect to the paper, he could only repeat, that he had never heard of it before.

Mr. M. ROBINSON ſaid, Lord Auckland, in a paper publiſhed at the Hague, had made uſe of expreſſions for which he could not conceive that any authority had been given him from home, which had been ſuffered to paſs with too little notice. The anſwer in queſtion, if delivered by Lord Dorcheſter without expreſs inſtructions, ought not to be ſo paſſed over.

Sir FRANCIS BARING expreſſed his ſatisfaction at hearing this paper thus publicly contradicted; for being publiſhed in America, and taken there to be true, it had all the evil effects of reality, from the date of it, the 10th of February, and the date of the period, when the Americans laid an embargo on our ſhipping, the 27th of March, he conceived this paper to have been in a great meaſure the cauſe of it.

Mr. WILBERFORCE ſaid, that a war with America would be the greateſt injury to a very great number of his conſtituents, therefore he ſhould be very averſe to ſuch an event, and he was happy that it was not likely to take place. If this paper was, as the right honourable gentleman ſuppoſed, the ſole cauſe of their laying an embargo on our ſhipping, it would tend, in his opinion, to cement the friendſhip which ſubſiſted between the two countries, when the Americans ſhould diſcover it was unfounded, and that they were made the dupes of ſome deſigning perſons.

Mr. SHERIDAN ſaid, he hoped he underſtood the right honourable gentleman to ſay diſtinctly, that no inſtructions of a hoſtile nature had been given with regard to America; and that if the paper had been a forgery, of which he ſtill entertained doubts, that Miniſters had the wiſdom and diſcretion to avoid a new war. One thing made him ſtill think that this paper was authentic, which was, that it correſponded with what the right honourable gentleman ſaid with regard to the endeavour to conciliate a peace between the united ſtates and the Indians. He wiſhed to know if the right honourable gentleman knew exactly what the paper was: it imported to be a reply from Lord Dorcheſter to the Delegates of certain Indian tribes. He then proceeded, and read the reply, as follows:

Children—I have well conſidered your words, and am now prepared to reply.

Children—You have informed me, that you are deputed by the ſeven villages of Lower Canada, and by all the nations of the upper country, which ſent deputies to the General Council, held at the Miamis, except the Chawanoos, Miamis and Loups.

Children—You remind me of what paſſed at the Council Fire, held at

Quebec, just before my last departure for England, when I promised to represent their situation and wishes to the King, their father, and expressed my hope that all the grievances they complained of, on the part of the United States, would soon be done away by a just and lasting peace.

Children—I remember all very well; I remember that they pointed out to me the line of separation which they wished for between them and the United States, and with which they would be satisfied and make peace.

Children—I was in expectation of hearing from the people of the United States what was required by them: I hoped I should have been able to bring you together, and make you friends.

Children—I have waited long, and listened with great attention, but I have not heard one word from them.

Children—I flattered myself with the hope, that the line proposed in the year eighty-three, to separate us from the United States, which was immediately broken by themselves as soon as the peace was signed, would have been minded, or a new one drawn in an amicable manner: here also I have been disappointed.

Children—Since my return I find no appearance of a line remains; and from the manner which the people of the States push on, and act, and talk on this side, and from what I learn of their conduct towards the sea, I shall not be surprised if we are at war with them in the course of the present year; and if we are, a line must then be drawn by the warriors.

Children—You ask for a passport to go to New York; a passport is useless in peace; it appears, therefore, that you expect we shall be at war with the States before you return. You shall have a passport, that, whether peace or war, you shall be well received by the King's warriors.

Children—They have destroyed their right of pre-emption, therefore all their approaches towards us since that time, and all the purchases made by them, I consider as an infringement on the King's rights, and when a line is drawn between us, be it peace or war, they must lose all their improvement of houses on our side of it. The people must all be gone who do not obtain leave to become the King's subjects. What belongs to the Indians will of course be confirmed and secured to them.

Children—What further can I say to you? You are our witness, that on our part we have acted in the most peaceable manner, and borne the language of the United States with patience, and I believe our patience is almost exhausted.

Given under my hand, at the Castle of St. Lewis, in the city of Quebec, on the 10th day of February, in the year of our Lord, 1794.

(Signed) DORCHESTER.

By his Excellency's command,

(Signed) HEMAN WISSIUS RYLAND, Sec.

Mr. SHERIDAN said, that though this paper carried with it the appearance of authenticity, and was believed to be authentic by persons conversant with American affairs, yet as it had been lately disavowed, he would beg leave to withdraw his motion, which was granted. Mr. Sheridan said, he rose to make a motion which he had often deferred at the request of Ministers, in the hope that they had only to consider it, to give it their assent. The only

possible objection to it that he could see was, that it came not from their own side of the House; but it was in its nature no party question, and came forward under circumstances peculiarly favourable, from having arisen incidentally. At a time like the present, when His Majesty was calling for the aid of every description of his subjects to support the Constitution, it would perhaps be improper for the persons in whose behalf he spoke, to petition even for what they felt to be no more than justice, because their petition might seem like a demand; and it might also be improper for Government to grant them voluntary relief, because that might look like a bribe. This was his opinion with respect to all the penal statutes that made distinctions between different classes of His Majesty's subjects, distinctions which every man must wish to see done away at one time or other, and which he should vote for abolishing at once, as often as a motion was made to that effect, but which he could not expect to see entirely done away at present. He was one of those who respected both the rights and the prejudices of the people, for he considered those prejudices as having been originally inspired and cherished by the Government. When we were struggling for our Constitution against a Popish Prince, supported by a party whose religious and political opinions were equally hostile to civil liberty, great pains had been taken to create in the minds of the people a dread and abhorrence of trusting Roman Catholics with any degree of power. When such prejudices had been instilled, and Government had reaped the benefit of them, he held it unjust for Government to turn round and insult those very prejudices which it had before applauded. Now, however, both the danger from Roman Catholics, and the prejudices against them, had vanished from every mind. The riots in 1780 had not arisen from any dread of the relief then granted to the Roman Catholics, but from discontent with the general system of measures, and the criminal neglect of those whose duty it was to prevent them. Besides, the progress of opinion in the last fourteen years had been great; and many thought that the people were now rather too inattentive to religious differences than too apt to mark them. If the danger and the prejudice were both gone, where could be the inconvenience of allowing Roman Catholics to serve in the army and navy like other subjects? When we were embodying an army of French Catholics, it appeared preposterous to exclude English Catholics from serving their country in a military capacity; and this had suggested to him the present motion.

By the act passed last year in Ireland, Catholics were allowed to serve as officers in the army, under a certain rank. Supposing any

of thoſe officers were to be ordered to England on duty, could any thing be more abſurd than their being ſubject to very heavy penalties here, for what they had done in ſtrict conformity to law in their own country? The thing was ſo extravagant, that he was perſuaded it could not exiſt, but by an omiſſion on the part of Miniſters, in conſequence of buſineſs that appeared to them more urgent. When Mr. Hobart introduced the bill for the relief of the Iriſh Catholics, he ſaid, "That with reſpect to admiſſion into the army and navy, any change muſt depend upon England; that ſuch a meaſure was in contemplation in England, and a communication had been made upon the ſubject." In a debate in the Houſe of Lords, on a clauſe for enabling Catholics to accept of military employments, Lord Farnham ſaid, "That till a ſimilar law was paſſed in England, Catholic officers could not attend their regiments, if ordered on duty into England. He wiſhed, therefore, that a Catholic ſhould not be eligible to a military commiſſion in Ireland, until the principle ſhould be adopted in England; and moved to reject the clauſe." The Lord Chancellor ſaid, "The clauſe went merely to enable Catholics to accept military employments; but it could not be ſuppoſed His Majeſty would appoint men on ſuch poſts, until the laws of the empire ſhould fully qualify them to act in every part of it. It was more than probable that a ſimilar law to this would be adopted in England before the lapſe of two months."——Such were the declarations of men in habits of official communication with His Majeſty's Miniſters; and therefore he was juſtified in ſuppoſing that what he was now to move, had been intended, and omitted only by accident. Catholics did not ſtand in the ſame ſituation in this reſpect with Proteſtant Diſſenters. A Proteſtant Diſſenter would not be refuſed leave to ſit in the army, if he choſe to run the riſk of the penalties; but a Catholic, under certain circumſtances, would. A Catholic gentleman of Surry, of moſt reſpectable character and great influence in his neighbourhood, had been nominated Lieutenant Colonel of a new corps, which he had principally contributed to raiſe, but Miniſters did not think proper to allow his commiſſion to be ſigned. For this he did not blame them; they only obeyed the intention of the law; but was it fit that the law ſhould ſo remain? Suppoſing one of thoſe commands uſually filled by the ſenior officer to become vacant on the Continent, if the officer next in order could prove himſelf a French Catholic, he would be entitled to ſucceed; if he happened, unfortunately, to be an Engliſh or an Iriſh Catholic, he would be diſqualified by law. He avoided going into the general queſtion of Teſt acts and diſqualifying laws; he wiſhed to ſee them all eraſed

from the ſtatute books; but he would not attempt more at once than was likely to be granted. He was not particular as to the mode of attaining the object; it might be done by extending the time allowed for qualifying, or by framing a new oath, which Catholics could take, and which need only contain an acknowledgement of His Majeſty's right to the throne, and a declaration of attachment to the conſtitution. He concluded with moving for leave to bring in a bill, and reading the form of the propoſed oath—"I, A. B., do ſwear that I will bear true allegiance to His Majeſty, and defend his right to the crown, the laws, and conſtitution of theſe kingdoms, and the ſucceſſion to the Throne, as by law eſtabliſhed."

Mr. Secretary DUNDAS remarked, that the object of the bill which was propoſed to be introduced by the honourable gentleman (Mr. Sheridan), would in reality extend to all Diſſenters who were comprehended under the Teſt Acts in queſtion, though he had avowed that his preſent deſign was only to extend relief to the Roman Catholics. He declared, that it had ever been his moſt determined opinion, that that part of His Majeſty's ſubjects ſhould be liberated from every reſtraint which the exiſting laws had impoſed upon them; and theſe ſentiments he had maintained and ſupported at a time when it was more dangerous to do ſo than at this period—But notwithſtanding the general concurrence of opinion in favour of the Catholics, yet it was equally obvious, that every attempt which had hitherto been made to obtain a Repeal of the Teſt Act, had failed of ſucceſs, by whatever ability ſupported, and by whatever arguments enforced. When he reflected on theſe circumſtances, and when he conſidered how much more extended the real than the apparent object of this motion was, he acknowledged that he had not made up a decided reſolution upon the matter; and therefore, though he was convinced of the importance of the inquiry relative to Military Teſts, he ſhould find himſelf at preſent obliged to put an end to the buſineſs, by moving the previous queſtion.

Mr. FOX ſaid, that he ſhould trouble the Houſe with a very few remarks upon the queſtion. And, in the firſt place, he could not help taking notice of the very awkward condition in which the Iriſh Roman Catholics were placed by this motion. By the Acts of the Iriſh Parliament, the Roman Catholics were empowered to enter into His Majeſty's ſervice, and were entitled to the ſame privileges with his other ſubjects; though the ſame men, if they accepted of commiſſions in Great Britain, were ſubject to the ſevereſt penalties of law. Such was the abſurdity of the preſent ſyſtem, ſo far as it related to this claſs of Diſſenters—an abſurdity which appeared to be admitted by the right honourable gentleman, though

he had not yet thought of applying any remedy to the evil. But the right honourable gentleman had thought proper to object to the motion of his honourable friend, because it had in view a partial repeal of the Test Act, inasmuch as it regarded Protestant Dissenters. If such was its tendency, on that very account it should meet with his most hearty and unequivocal support, as he had ever been persuaded that the case of that meritorious and loyal body of men was attended with many circumstances of peculiar hardship. It was to their efforts, principally, that we were indebted for that Constitution of which we boasted so much; and by their exertions we were enabled to preserve that blessing, when its destruction was threatened by open rebellion in the years 1715 and 1745; and they were, upon both these occasions, rewarded for the services they had rendered to their King and country, by acts of grace and indemnity, by which the illegality of their conduct was excused in consequence of the importance of their services; and the Government for which they had contended was pleased to grant them immunity from punishment, in consequence of the success of their endeavours in its support. Though some plausible arguments might be urged against the repeal of this act during the reigns of the two first Princes of the House of Hanover, when many of the church party were suspected of Jacobinism, and consequently it might have been dangerous to have given any umbrage; yet, as that reason had now ceased to operate, no farther argument would be urged for the continuance of this test. To the military profession it was peculiarly hard, and derogatory from that integrity which the public in the aggregate ought to retain in every transaction with the individual. With every man the community was bound to act fairly, honestly, and honourably, and either to say to every member of the State, that it required not the aid and assistance he might have in his power to bestow, or to admit him to a fair participation of the emoluments and honours which flowed from the offices he might fill; whereas this policy, on the contrary, enabled Government to call in the aid of every member in the community, and at the same time compelled it most unjustly to deprive some of its subjects of the advantages others derived from their situations and employments. Their situation was likewise subject to another inconvenience, as in time of war those penalties were not exacted which at the season of peace every informer had in his power most rigorously to require. Upon all these grounds, this motion should have his warmest concurrence, as it was a measure which contained one step towards the complete removal of that great constitutional disgrace, the Test Act. If he was to understand that the only objection to the motion was in point

of time, he ſhould feel leſs regret at its being poſtponed by the previous queſtion, but either now or at ſome early period, let the ſtain be taken away, which was neither conſiſtent with national honour nor honeſty.

Mr. M. ROBINSON ſaid, he ſhould oppoſe the motion for the previous queſtion, becauſe he thought it admitted the propriety of the meaſure, but merely objected to the time it was brought forward; and it was a meaſure which he ſhould oppoſe altogether, as pregnant with very dangerous conſequences.

Mr. W. SMITH ſaid, he approved of the motion, but it was upon more general grounds that he voted for the repeal of teſts in whole or in part. The diſſenters would be well ſatisfied with free admiſſion into the army and navy, as a proof that their attachment to the Conſtitution was not ſuſpected, but they would not receive as a boon what they could only conſider as an act of juſtice. He thought it neceſſary to ſay this, to prevent its being ſuppoſed that the motion had been made by the deſire of the Proteſtant Diſſenters. He ridiculed the indemnity bill, which was paſſed to protect thoſe men who always ſhewed themſelves ready to ſtand forward, in defiance of perſonal riſk in the moment of danger, and would be ready to do ſo again, if occaſion ſhould require their ſervices.

Mr. SHERIDAN ſaid, he concurred in opinion with the honourable Member (Mr. Robinſon) on the previous queſtion, that it admitted the propriety of the meaſure, but objected only to the ſeaſon. He truſted, therefore, that Miniſters themſelves would bring it forward early in the next ſeſſion. The ſervices of the Diſſenters we were not deprived of as we were of thoſe of the Roman Catholics, becauſe the bill annually paſſed, allowing them farther time to qualify, operated as a check upon the diſqualifying laws; but were it not for that bill, we ſhould be deprived of the ſervices of all the right honourable gentleman's countrymen, who were moſtly of the *Kirk of Scotland;* General Dundas, and other very able Scotch officers; indeed all the Dundaſes in this country are Diſſenters; and were it not for the happy intervention of this bill, we ſhould be deprived of their valuable ſervices. He wiſhed to know if any bad conſequences had ariſen from the indulgences granted to the Catholics in Ireland? Had any bad conſequences ariſen, or was any likely to ariſe, from the indulgence granted them here? He wiſhed to know from the gentlemen of the long robe, if any miſchief could ariſe by admitting them to the bar? He concluded by obſerving, that he would not divide the Houſe, and truſted that Miniſters would, themſelves, bring forward the ſubject early in the next ſeſſion.

Mr. FOX ſaid, he ſhould take that opportunity, as the Houſe was pretty full, though it was not very regular ſo to do, of giving notice that on Friday next he ſhould propoſe certain Reſolutions on the ſtate of the country with reſpect to the war, and which might be conducive to peace.

The MASTER OF THE ROLLS ſaid, he ſhould have been ready to negative the motion, as going to a repeal of the Teſt Act.

After which the previous queſtion was put, and carried without a diviſion.—The Houſe adjourned.

Tueſday, 27th May.

At four o'clock the Speaker counted the Houſe, and there being only ſeven Members preſent, they adjourned till to-morrow.

Wedneſday, 28th May.

The Ordnance Bill was read a third time, and paſſed.

The Inſolvent Debtors Bill was read a third time, and paſſed.

The Houſe adjourned.

Friday, 30th May.

Mr. FOX ſaid, that, thinking as he did, he ſhould not do his duty, if he did not once more, before the cloſe of the ſeſſion, give the Houſe an opportunity of conſidering the ſituation in which the country ſtood with reſpect to the war, and of reviewing the events which led to that ſituation. On the war itſelf little now remained to be ſaid: his preſent object was to call the attention of the Houſe to particular facts that admitted of no diſpute, and the inferences which every unprejudiced and diſpaſſionate man muſt draw from thoſe facts. Firſt, then, as to the origin of the war: he had always conſidered as one of the greateſt advantages of a free Conſtitution, the publicity of all the acts of Government; and thence he had hoped, that it was impoſſible for us to be plunged into a war upon falſe pretences, for one thing to be held up to the people as the cauſe, and another to be purſued by Miniſters as the end.—Here, however, his hopes had deceived him. In the beginning of the laſt ſeſſion of Parliament, the language of Miniſters, and the language of the Houſe, breathed nothing but the ſtricteſt neutrality. It was not merely in the beginning of the French Revolution that this language was held, but after the King had been dethroned, and many of thoſe atrocities had been committed, at the view of which every feeling mind ſhrunk with horror. Miniſters profeſſed then to think that we were not to look to the conduct of another country in its internal affairs, as the criterion of peace or war; and, although

many acts had been done in France of which it was difficult to say whether they were more calculated to move pity, or excite indignation, still they pretended to court peace and neutrality.—They said fairly, that if the French should make an unprovoked attack upon any of our allies, or pursue plans of aggrandizement, which, if accomplished, would render it difficult to oppose any attack they might afterwards make, we must take part in the war. Great pains were taken to persuade the House, that their attempt to open the navigation of the Scheldt was an aggression upon our allies the Dutch, and however ludicrously or contemptuously that had been since treated as the cause of the war, he appealed to the House whether it was not at first the point principally insisted upon. To settle the dispute upon this point, he recommended negociation to the House, and the House refused to adopt it. But although the House did, the Ministers did not. They had recourse, not to an open and manly, but to an underhand and equivocal mode of negocaition, which, even if meant honestly, could hardly fail of defeating its own purpose. In every dispute, the first step towards an accommodation was, to shew the other party that we did not mean to treat them with contempt. But Ministers, in their negociation, by their inimical conduct, by refusing to acknowledge that those with whom they were treating had any power to treat, took the sure course of rendering it ineffectual. Their object was to pretend a negociation, and to pursue such means as must make it fail. It failed accordingly. Even after that, nothing was said of interfering in the internal Government of France. On the contrary, it was asserted by those who were in the confidence of His Majesty's Ministers, and by Ministers themselves, that the form of the French Government at that time, or whatever future form it might assume, if a worse was possible, was not a fundamental objection to peace. During the recess, several declarations were published in His Majesty's name, very inconsistent with our former professions of having gone to war only to repel an unjust aggression on our allies, and an unprovoked injury offered to ourselves. When Dumourier declared against the Convention, and proposed marching to Paris, to restore the Monarchy, the Prince of Saxe Cobourg, in the name of the Emperor, issued a proclamation, by which he acceded to the Constitution of 1789, and declared, that whatever strong places should be given up to him, he would hold in trust for Louis XVII. till that Constitution should be restored. True it was, that proclamation was almost instantly retracted, to the disgrace of all those who were parties to it. Whatever might be the fate of his present motion—whatever might be the issue of the war, the time he hoped

would come, when we ſhould clear ourſelves in the face of Europe from the infamy of having been acceſſaries in that tranſaction. The Emperor, as dead to all ſhame, as unfeeling of all principles, retracted his proclamation before it could be known what effects it might have produced on the people of France, and within five days after it had been iſſued. What could be found to match this, even in the conduct of thoſe who governed France? It was done as if it the Emperor had feared, that the King of Pruſſia's perfidy to Poland might ſtand unparalleled, and he himſelf could not be conſidered as a fit member of the confederacy, till he had done ſomething to keep his ally in countenance. In a cauſe, which we were ſo often told was the cauſe of morality, virtue, and religion, he truſted His Majeſty, for his own and the national honour, would diſclaim all participation or approbation of ſuch acts. The ſurrender of Toulon was conſidered as a fit occaſion for declaring the intentions of Miniſters. Lord Hood took poſſeſſion of it on the expreſs condition of maintaining the Conſtitution of 1789, and pledged himſelf to protect all Frenchmen who ſhould repair to that ſtandard.

A Declaration *, in the name of His Majeſty, afterwards came out, different, indeed, from this; verboſe, obſcure, and equivocal, like the production of men who were afraid of ſaying any thing diſtinctly, who wiſhed not their meaning to be clearly underſtood; that, ſtript of all the elegant rubbiſh with which it was loaded, declared only this—that the reſtoration of Monarchy, without ſpecifying of what kind, was the only condition upon which we could treat with France. Thus did our avowed objects progreſſively change. It would be ſaid that we might fairly enter into a war with one view, and afterwards, as the alteration of circumſtances made it neceſſary or convenient, to change that view for another. Be it ſo, for the ſake of argument; but it became not us to ſay that we were fighting in defence of morality, religion, and the rights of civilized ſociety, who had entered into the war about the navigation of the Scheldt. We had confeſſed that this was the object for which we began, and we were not now to boaſt of higher motives. But for this aggreſſion on our ally, the cauſe of morality and religion would have been left to other defenders. If the change of object was a queſtion of policy, let it be ſo conſidered. What had appeared to make it more politic now than at the commencement of

* For this, and the other papers referred to by Mr. Fox in the courſe of his ſpeech, vide a Collection of State Papers relative to the war againſt France, printed for J. Debrett.

the war? Had our experience at Toulon, the success of the Earl of Moira's expedition, or the internal state of France, convinced us that we had a better prospect of terminating the war by the aid of Frenchmen than before: We had disclaimed peace with the present rulers, and we had disclaimed interfering in the internal Government of France. How disclaimed interfering? We were actually interfering, and our interference was of the very worst sort. We said that our object was not to build up a Government for France, but to destroy the system which now domineered in it. Suppose this point gained, were we to leave the French, thus deprived of every thing like a Government, to settle one for themselves? Were we to say to them, "You, of whose wisdom, moderation, and humanity we have had such proofs, and entertain such an opinion, assemble again by your delegates, as you did in 1789, and build up a Government to your own liking, a Monarchy, a Republic, no matter what, so it be not Jacobinism?" Thus we should propose to let loose the French again to that state from which we wanted to recal them, and to renew all those horrors which we had so often deplored. This mode of interference, was only politic inasmuch as it was faithless. It might be hoped to unite in our favour, all those who hated the present system; but of these how many must be deceived? One man might join us because he wished for the restoration of the old despotism; another because he wished for a limited Monarchy; a third for a Republic on better principles—and each confiding that our views were the same with his own. Two of these at least must be disappointed, perhaps all the three. Was this mere theory? Had not a noble Lord (Mulgrave) told the House that such was the state of the people at Toulon, almost equally divided between abhorrence of the old Government and abhorrence of the new; and when there was neither foreign force, nor the cruel rigour of the present system to controul their passions, would they not break out into acts of open contest and violence? But what he thought most to be complained of, was, that we had been drawn into the war upon professions of neutrality, if neutrality could be preserved, and were now called upon to persist in it, on declarations directly opposite; that the people had been deluded by false pretences, to spend their money and their blood for purposes to which, if fairly stated to them in the first instance, they would not have consented; and being once engaged in the war, were told that they could not get out of it. He had often been puzzled to divine what were the motives upon which Ministers themselves were acting. During part of the last campaign, he thought they meant to adhere to their professed intentions. While a civil

war was raging in La Vendee, we took Valenciennes and Mentz. The garrisons of those places we bound not to serve against any of the allies for a stipulated time, but we did not pro ,it them from bearing arms against the Royalists in La Vendee. In fact we did as much as if we had sent them against the Royalists, for we dismissed them without the possibility of being employed but only there.—This was perhaps meant to shew that they disclaimed interfering in the internal Government of France; and to refute as calumnies, the allegations that to interfere was their express, although not their avowed, object. In the subsequent part of the campaign, the effect of this conduct was completely effaced in one point of view, but not in another, for the reproach of it still remained. It was effaced by the declarations at Toulon, by the King's manifestoes, and by preparing an army for the avowed purpose of co-operating with those very Royalists.—He had thus shewn the inconsistencies of Ministers with respect to the professed object of the war, but these were not all. They had formerly contended, that if we suffered France to aggrandize herself at the expence of the Emperor and the King of Sardinia, we might have to contend against her increased power, when our present allies, offended at our neutrality, would not assist us. He had never been able to see the force of this argument. He had always imagined that what we should be principally called upon to furnish in any war with France, would be money; and that our continental allies would not refuse to accept of subsidies from us at any time. What was now the fact? Did we fear that the Emperor would make peace with France too soon, if we did not interpose? Fortunate for Europe would it have been if he had done so; and the barrier of the Netherlands, which the mistaken policy of a former reign had demolished, might have been restored. Would the King of Prussia have withdrawn himself sooner, or might he not have been prevailed upon by a subsidy to lend his troops as he had done now—as the Emperor might soon do also? Besides our engagements with the King of Prussia and the Emperor, we had entered into various Conventions with other powers. One of these, the treaty with the King of Sardinia, had been the subject of discussion before, and it was unnecessary to enlarge upon it again. But in this had we any equivalent for what we engaged to perform? On all the occasions referred to as precedents in the former debate, we had to fear that the King of Sardinia might join our enemy, and to bring him over to our side was a material advantage—Was there any danger of his joining France in the present war, if we had left him to his own councils? His neutrality would have been much more advantageous to the allies

than his assistance. But it was said he would make a powerful diversion in our favour, and by drawing off a considerable part of the French force to the South, facilitate our operations in Flanders. At present, the diversion he made was, by an incursion of the French into his own territory. Would he, with his British subsidy, be able to defend his own dominions, and protect Italy? Clearly not, and the safety of Italy must now depend on a great Austrian force. From such information as was accessible to every man, he heard of nothing but the success of the French on the side of Italy, and what was still worse, the disposition of the people in their favour, who hated nothing more than both the Austrian and Sardinian Government. The French had entered Piedmont at two points, were threatening Turin, and could only be repelled by an Austrian army. In whose favour then was the diversion by subsidizing the King of Sardinia?—of the French who employed a force in that quarter which they could not perhaps have transported to the North; and against the Emperor, whose exertions in Flanders must be weakened by the exertions he was thus obliged to make in Italy. All the Conventions contained a clause by which the contracting parties bound themselves not to lay down their arms, while any part of the territory of either of them remained in possession of the enemy, and this was to extend to all powers who should accede to the confederacy.

Ministers were formerly asked if the Emperor and the King of Prussia had acceded to this guarantee? It was unnecessary to ask them now; the King of Prussia had laid down his arms, till he was bought by our money to take them up again; and the Emperor had refused to agree to the clause. Thus, we alone were bound to continue a war, now declared to be a war *ad internecinem*, and consequently of incalculable duration. We entered into a treaty with Prussia, by which neither party was to have laid down arms, but by consent of the other. From this engagement he escaped by a loop-hole; for as none of his dominions were within reach of the enemy, he had only to withdraw his troops from the scene of action, and tell us that he had not made peace with France. But he was bound to continue war in other parts, till the objects of it were obtained, Did he get rid of this by another loop-hole, under the words, "as long as circumstances will permit?" Such was his engagements in July, 1793. What change of circumstances had happened in February, 1794? Had he sustained losses; had he suffered defeats? No. The campaign, Ministers assured us, had been most successful; but he had discovered that war had a tendency to exhaust finances; he had found out a circumstance which

it was impossible to foresee, that his victories would cost him something! This was the unlooked-for circumstance that would not permit the King of Prussia to continue the war. Had the Public been told in July, 1793, that the treaty was binding upon him only for the rest of the campaign, they would have seen it in a very different point of view. The war was called the common cause of the civilized world, and all Europe, we had been assured, would join us in it. A great confederacy, indeed, had been formed; but many of the powers of Europe had not joined us, and it was reasonable to conclude that they had not the same apprehensions of danger. If the general interest were to be admitted, the Emperor had still a more particular interest than we. He contributed large armies, but no part of the subsidy to Prussia. It was even said, that Ministers asked him to pay his share, but that he refused; hence it was clear, that all the money must be supplied by us and the Dutch. The Emperor possessed various and rich dominions remote from the seat of war. From these he could not draw supplies in money. Even the part of his territories the most exposed to the enemy, more abounding in wealth than almost any country, this excepted, refused to assist him; so that he was obliged to come here for a great and heavy loan. The propriety of allowing a foreign Power to draw money out of this country by loan, he would not now discuss. His opinion was, that it was best to leave individuals to their own judgement. But the loan shewed that the Emperor had no resource but here. If the loan should fail, where was he to go? or if he wanted another next year, and could not obtain it, must he come, like the King of Prussia, for a subsidy? How could we refuse him, if it was true that the existence of Jacobinism in France was incompatible with our safety as a nation? Must not we give subsidy after subsidy, while the war was going on with various success, and the end of it, on the only terms on which we said it could be ended, was too remote for speculation? The consequence he drew from all this was, that we ought to think of some rational mode of obtaining peace. That could be in one of three ways—by treating, by compelling the enemy to submit to our own terms, or by treating with sufficient force in our hands to induce compliance with reasonable demands. The House had never sanctioned the dangerous speculation—that to secure England, we must destroy Jacobinism in France. The experience of ages had proved it to be the will of Providence, that Monarchies, Oligarchies, Aristocracies, Republics, might exist in all their several varieties in different parts of the world, without imposing the necessity of endless wars on the rest. The argument for peace had this advantage, that if

peace should fail, we might then resort to war; but from war to peace, if that experiment should fail, transition was not so easy. The French Government had existed for two years. A powerful confederacy had been formed, numerous armies and great Generals employed against it, and yet internally it appeared to be stronger than ever. In the first campaign, the Duke of Brunswick, at the head of a veteran army, had been compelled to retreat, and the Austrian Netherlands were over-run. In the second campaign, armies still more formidable had been brought into the field, and it had been, as Ministers boasted, not merely successful, but brilliant. Yet the French Government internally remained untouched by our disasters or our successes. If this was the dreadful situation in which we were placed, if we were at war with a nation that rose in numbers and enthusiasm as much on our victories as our defeats, we must adopt the principle, *Nil actum reputans, dum quid superesset agendum.* We had done nothing while any thing remained to do; we might take islands in the West Indies; we might even circumscribe the European territories of France; but while the nation remained, we were no nearer peace. This was a situation, melancholy and deplorable at any time, but much more so when we adverted to the inability of our allies to go on, but as we could afford to pay them. But if we chose to revert to the old maxim of State policy, viz. that the internal anarchy of France, or any other country, was no concern of ours, then indeed our successes in the East and West Indies would tell in our favour. Far was he from undervaluing those successes, or the merit of the gallant officers by whose valour and skill they had been atchieved; but he wished them to prove not merely a source of glory to the officers, but of solid advantage to the country. The settlements and islands we had taken in the East and West Indies, were excellent materials for negociation, but nothing for overturning the present Government of France. If we aimed only at a safe and equitable peace for ourselves and our allies, they might be restored for restitution of what had been conquered from any of those allies, or kept as indemnity for the past, and security for the future, as the relative circumstances of the war, and our engagements, might point out. He therefore wished the House, and the country, to consider whether we had not now the means of making peace; for on the terms on which Ministers said it could alone be made, he despaired of ever obtaining it. They said formerly, that France was not in a negociable state; that there was no man in it who could answer for the conduct of another. Was this the present state of France? He was little inclined to pay any compliment to tyranny, but it was surely in the power of it, while it lasted, to

coerce its own subjects. If the present rulers of France thought proper to declare war against any neutral nation, even against America, did any man doubt that they would be obeyed? Why then doubt their being obeyed if they made peace with any nation with whom they are at war? If by force, as some pretended, they sent their people to the field of battle, very little force would be sufficient to restrain them from it. They had been guilty of no infringement of the rights of neutral states; they respected the Swiss territory under very difficult circumstances, and they passed through part of the Genoese territory in arms, without giving occasion for a single complaint. He wished that we might be able to maintain a good understanding with neutral States, in every instance, as well. He was ready to allow, that it was one thing to propose peace, and another to obtain it. With a nation in a state so anomalous as that of France, all events must be doubtful. But if we were to propose peace, and fail, what should we lose? Would the King of Prussia take no more of our money? Would the Emperor refuse a subsidy when he had occasion for it? This we should gain, that the Convention would be no longer able to delude the people of France into the persuasion that we were making war upon them, not for the usual objects of war, but for the destruction of their liberties; and we should convince the people of this country, that the war was not carried on upon principles hostile to freedom, from which Great Britain had more to fear than any other nation.

Some sanguine men were of opinion, that certain principles established in one country must necessarily disturb the peace of another. He doubted the doctrine when he first heard it; and the more he examined, the more he disliked it. If it was maintained that opinions held in France, must contaminate the minds of Englishmen, this would lead to a revival of every species of intolerance, and to a more rigorous scrutiny of opinions than could be safe for states or individuals, more especially for this country. Had it not often been said that the French Revolution owed its origin to the American war; that opinions borrowed from America gave it birth? This was so plausible that he knew not how to doubt it. Not that the French took the American opinions as they really were; they adopted them crudely in theory and perverted them in practice. Whence did the Americans receive their opinions? Not from the wandering Indians, not from Mexico and Peru, they carried them from England. He must therefore deprecate questioning opinions on the possible consequences to which they might lead, for then would both America and England be found guilty. Whence were derived the Rights of Man, so much abused by misapplication, so fundamentally true?

Not from the ancients, not from Aſia or Africa, but from Great Britain; from that philoſophy, if it was ſtill ſafe to uſe the word, which Locke and Sydney taught and illuſtrated. If we were once to argue that the principles of any one people are dangerous to others, then we muſt be odious to all other nations, whoſe forms of Government and modes of thinking had leſs of liberty than our own. To deſpotic Governments we muſt be deteſtable, "Although France," they might ſay, "has been the Theatre on which the abominations that flow from thoſe principles has been exhibited, yet England is the author," and the example of England they would feel to be more dangerous, as truth is a more powerful inſtrument than error. When the Courts of Berlin and Vienna exhibited ſuch inſtances of perfidy and injuſtice, might they not well think Britiſh juſtice and good faith an example to their people and a reproach to themſelves, not to be tolerated? He would now aſſume, that the Houſe was to differ from him in all he had ſaid, and to perſiſt in the plan of overturning Jacobiniſm in France, as the only road to peace. In that caſe they were bound to ſay ſo in explicit terms, and to declare moreover, that in conjunction with a certain deſcription of Frenchmen, they meant to obtain ſome definite form of Government for France. Then every Frenchman would know what he had to expect of us. If we declared for what ſome choſe to call the old Monarchy, but which he ſhould ever call the old deſpotiſm, many would repair to the ſtandard. If we declared for the Conſtitution of 1789, thoſe who approved of that Conſtitution would join us. And if we declared for any form of a Republic, a word which remembrance of the grievances and oppreſſions under the Monarchy, had rendered popular, we ſhould have the adherents of that ſyſtem. Then men would join us whom we meant not to deceive. By profeſſing only to demoliſh Jacobiniſm without ſpecifying what we meant to erect in its ſtead, we might have more hands but fewer hearts, for all who joined us would conſtantly ſuſpect that they were aſſiſted but to be betrayed. If therefore, the Houſe ſhould not adopt the better reſolution, he ſhould move another reſolution to this effect. He had carefully avoided touching on the military conduct or the preſent ſtate of the campaign. He had early in the ſeſſion examined the attention paid to protecting our trade, he feared with but little of the effect which he hoped to produce, as the premiums for inſurance, then triumphantly held up as an argument againſt him, too fully proved by their rapid increaſe. He looked to Flanders with pain and anxiety; we had deſtroyed many of the enemy, ſince the opening of the campaign, but alas, the ſlaughter had not been all on one ſide. He had felt ſome curioſity to calcu-

late the loss of the allies of all descriptions in the last campaign in all the points of action, from such documents as were public, and also to estimate the loss of the French, which could hardly be less than 200,000. What, were we to think of conquering a people who could bear such a loss as this, and still present superior numbers in every point of attack? We took Landrecies, and while we were doing that, the enemy pushed into West Flanders, from which, with all the well-earned laurels our troops had obtained, we had not yet been able to dislodge them. Without professing to be a critic in war, when he looked at the frontier, he could not help thinking the conquest of France a more desperate crusade than ever. What said our allies of the French? The Emperor published that the attack of the 17th, was admirably planned; that in the execution, Generals, officers, and men, all merited equal praise, and yet it totally failed. Hence he must conclude that we had to cope with a very formidable enemy. Was it owing to the elements that the plan miscarried? No, it was because West Flanders was intersected by hedges and ditches. Was this a thing unknown before to the Emperor's officers in his own territories? Did they plan an attack only to discover that they were fighting in an inclosed country? It was like the King of Prussia's discovery that war cost money. Since then we had obtained a victory, on which no man could be supposed to dwell with more peculiar pleasure than he, but the only effect of that victory was, not to dislodge the French from their position in Flanders, but to avert a great danger from the allied army. When such was the state of the campaign in Flanders, when the Spaniards and Piedmontese were repulsed, and instead of making a diversion required assistance, surely he might infer that there was as little prospect of destroying the Jacobin Government in France now as when the war began, and we professed no such object. Why not then recur to old maxims, when our victories and the islands we had taken might give them such effect? It was impossible to dissemble that we had a serious dispute with America, and although we might be confident that the wisest and best man of his age, who presided in the Government of that country, would do every thing that became him to avert a war, it was impossible to foresee the issue. America had no fleet, no army; but in case of war she would find various means to harass and annoy us. Against her we could not strike a blow that would not be as severely felt in London as in America, so indentified were the two countries by commercial intercourse. To a contest with such an adversary he looked as the greatest possible misfortune; this was an additional motive for put-

ting an end to our crusade against France. He concluded with reading the following resolutions:

Resolved, I. That it appears to this House, that during the several changes which took place in the Constitution and Government of France, before the commencement of hostilities, and more particularly after the events of the 10th of August 1792, when His Majesty was advised by his Ministers to suspend all official communication with France, it was, and continued to be, the professed principle and policy of His Majesty's Government, carefully to observe a strict neutrality, and uniformly to abstain from any interference with respect to the internal affairs of France. That when His Majesty was advised to make a farther augmentation of his forces by sea and land at the beginning of the last year, it was for the declared purpose of opposing views of aggrandisement and ambition on the part of France, and that when His Majesty acquainted Parliament, that acts of hostility had been directed by the Government of France against His Majesty's subjects, and after war had been declared against His Majesty and the United Provinces, the then avowed object of prosecuting the war on our part, was to oppose all views of farther aggrandisement imputed to France, and that the prosecution of the war on this ground, and for the attainment of this object, was approved of by both Houses of Parliament.

Resolved, II. That it appears to this House, that at, or before, the end of April, 1793, the armies of France were obliged to evacuate Holland and Flanders, and to retire within their own territory; and that the Prince of Cobourg, Commander in Chief of the Emperor's forces in Flanders, did on the 5th of April, engage and declare that he would join and co-operate with General Dumourier, to give to France her Constitutional King, and the *Constitution which she had formed for herself*, and that the Prince of Cobourg did also then declare, on his word of honour, that if any strong places should be delivered over to his troops, he should consider them no otherwise than as sacred deposits, and that on the 9th of the same month, all the preceding declarations of the Prince of Cobourg were revoked.

Resolved, III. That it appears to this House, that, by the 15th article of the treaty concluded with the Landgrave of Hesse Cassel, on the 10th of April, 1793, His Majesty's Ministers were of opinion that the *situation of affairs had then entirely changed its aspect*, in consequence of which His Majesty might not have occasion for the Hessian troops, and might be at liberty to relinquish their service, on certain conditions of compensation to be made to the Landgrave.

Resolved, IV. That it appears to this House, that, on the 14th of July 1793, a Convention was concluded between His Majesty and the King of Prussia, in which their Majesties reciprocally promised to continue to employ their respective forces as far as their circumstances would permit, in carrying on a war equally just and necessary.

Resolved, V. That it appears to this House, that, on the 23d of August, 1793, Lord Hood declared to the people of Toulon, that he had no other view but that of *restoring peace* to a great nation, upon the most just, liberal, and honourable terms—That the inhabitants of Toulon did in return declare, that it was their unanimous wish to adopt a Monarchical Government, such as it was originally formed *by the Constituent Assembly of* 1789—and that Lord Hood, by his Proclamation of the 28th of August, accepted of that Declaration, and did then repeat what he

had already declared to the people of the South of France, that he took possession of Toulon, and held it in trust only for Louis the XVIIth.

Resolved, VI. That it apppears to this House, that the Constitution, to which the declaration and acceptance stated in the preceding resolution are applied, was the same which His Majesty's Ambassador at the Hague did, in a Memorial presented to the States General on the 25th of January, 1793, describe in the following terms, viz—"It is not quite four years since certain miscreants, assuming the name of Philosophers, have presumed to think themselves capable of establishing a new system of civil society; in order to realize this dream, the offspring of vanity, it became necessary for them to overturn and destroy all established notions of subordination, of morals, and of religion;" and that this description was applied by the said Ambassador to a Government with which His Majesty continued to treat and negociate from its institution in 1789 to its dissolution in August 1792; and that His Majesty's Ambassador was not recalled from Paris until that Government was dissolved.

Resolved, VII. That it appears to this House, by the Declaration made by His Majesty's Ministers, and dated on the 29th of October, 1793, "That his Majesty demands only of France, that some legitimate and stable Government should be established, founded on the acknowledged principles of universal justice, and capable of maintaining, with other Powers, the accustomed relations of union and peace;" and that His Majesty, in treating for the re-establishment of general tranquillity with such a Government, "would propose none other than equitable and moderate conditions, not such as the expences, the risques, and the sacrifices of the war might justify;" and that His Majesty hoped to find in the other powers, engaged with him in the *common cause*, sentiments and views perfectly conformable to his own.

Resolved, VIII. That it appears to this House that, at the commencement of the war, the prosecution of it was considered by His Majesty, as a cause of *general concern*, in which His Majesty had *every reason* to hope for the *cordial co-operation* of those powers who were united with His Majesty by the ties of alliance, and who felt an interest in the same cause.

Resolved, IX. That it does not appear to this House, that in the prosecution of a war, considered by His Majesty as a *cause of general concern*, and as a *common cause*, His Majesty has received that *cordial co-operation*, which we were led to expect from those powers, who were united with him by ties of alliance, and who were supposed to feel an interest in the same cause.

Resolved, X. That, on a review of the conduct of the several powers of Europe, from whom, if the cause was *common*, and if the concern was *general*, such *cordial co-operation* might have been expected, it appears to this House that many of those powers have not co-operated with His Majesty; that the Empress of Russia has not contributed in any shape to the support of this common cause; that the Crowns of Sweden and Denmark have united to support their neutrality, and to defend themselves against any attempt to force them to take part in this common cause; that Poland is neither able nor inclined to take part in it; that Switzerland and Venice are neutral; that the King of Sardinia has required and obtained a subsidy from Great Britain, to enable him to act even on the defensive; that the King of the Two Sicilies, professing to make common cause with His Majesty in the war against France, is bound to it by nothing but his own judgment, *in the course of events which may occur*, and that he is at liberty to abandon the common cause *whenever*

he shall judge that he cannot any longer with justice and dignity continue the war; that the efforts of Spain and Portugal have been completely ineffectual.

Resolved, XI. That, with respect to the powers who were principals in the present war, (viz. the States General, the King of Prussia, and the Emperor) it appears to this House, that the States General, having refused to contract for the payment of their portion of the subsidies, to be paid to the King of Prussia, beyond the term of the present year, have thereby reserved to themselves a right to withdraw from the support of the war, at that period, and to throw the whole burden of it upon Great Britain; that the King of Prussia being bound by the Convention of July, 1793, to act in *the most perfect concert and the most intimate confidence with His Majesty, upon all the objects relative to the present war; and having then promised to continue to employ his forces, as far as circumstances would permit, in carrying on the war;* and His Majesty having since been obliged, by the treaty of the 19th April, 1794, to grant to the King of Prussia an enormous subsidy, in order to engage him to continue to cooperate in the prosecution of the war, it follows that the King of Prussia is no longer a principal party, nor even an auxiliary in the said war, but that he basely lends out his troops to this country in return for a most profitable pecuniary compensation, at our expence; and that Great Britain is, in fact, loaded with his proper share of the burden of a war, which is said to be the common cause of every civilized State; finally, that if it were expedient or necessary to purchase the King of Prussia's co-operation on such terms, the Emperor, whose interests are more directly at stake, was full as much bound in reason and justice as His Majesty, or the States General could be, to contribute equally to that expence; and that, if at any future period of the war, the Emperor's finances should be so exhausted as to make it impossible for him to maintain it on his part, at his own charge, his Imperial Majesty will be invited and encouraged, if not justified, by the example and success of the King of Prussia, to call upon this country to defray the whole expence of whatever army he may continue to employ against the French; nor does it appear to this House by what distinction in policy or in argument the terms granted to the King of Prussia can be refused to the Emperor, whose efforts and expences in the course of the war have infinitely exceeded those of Prussia; or how this country can, in prudence or with safety, decline a compliance with such demands, if it be true, as has been declared, that the destruction of the present French Government *is essential to the security of every thing which is most dear and valuable to us as a nation.*

Resolved, XII. That it appears to this House, that in consequence of the events of the war on the Continent and elsewhere, all views of aggrandisement and ambition on the part of France, supposing the French to entertain such views, are evidently unattainable, and must be relinquished by France; and that, therefore, the object of the war, as it was originally profest on our part, viz. the restoration of peace on terms of permanent security, is now attainable, and may be secured, provided that, on one side, the French shall be content with the possession and safety of their own country, and that we, on the other, shall adhere to the principles of justice and policy, so often declared by His Majesty and avowed by his Ministers, of *uniformly abstaining from any interference with respect to the internal affairs of France.*

Resolved, XIII. That it is the duty of His Majesty's Ministers to avail

themselves of the present circumstances of the war, and to promote a pacification by every means in their power, by proposing to France equitable and moderate conditions, and above all things, by *abstaining from any interference in the internal affairs of France.*

Resolved, XIV. That it is the opinion of this House, that in every possible case, it is equally desirable that His Majesty should make an explicit declaration of his views. If it is the intention not to interfere in the internal Government of France, nothing can contribute so much to advance a negociation with those who now exercise the power of Government in that country, as such a declaration solemnly and explicitly made. If on the other hand it is intended to interfere, it is highly essential to make the degree of interference precisely known, to induce such parts of the French nation as are dissatisfied with the present Government, to unite and exert themselves with satisfaction and security.

Mr. JENKINSON opposed the assertions and arguments advanced by the right honourable mover. He began with stating that the great object of his exertions had been to prove that Ministers had changed the object of the war, and that instead of a war undertaken professedly for the protection of our allies and self-defence, it had been perverted into an avowed intention of interference in the internal constitution of France. In opposition, however, to this statement, he begged leave to remind the House, that the Scheldt was not the only cause upon which our plunging into hostilities was grounded. He begged leave to state what these causes were. The first was certainly the protection of our allies from invasion and insult; the second cause was those views of aggrandisement which the ruling Powers avowed, and that determination which they exhibited of propagating their new-fangled and destructive doctrines through this and every country in Europe by the sword. The third cause of hostilities was the insults which were peculiarly offered to this country by the French Convention. These various reasons, avowed and acted on at the time, proved incontestibly that the war, in its original undertaking, was neither supposed nor intended tobe purely defensive. In order to enable the House to form a correct decision upon the present question, he begged to remind them of the precise declaration made by Ministers upon a former occasion, when the subject of the war was, as to-night, debated, in which they stated, even with the approbation of the gentlemen on the opposte side of the House, that their object was to obtain indemnity for the past, and security for the time to come. With this acknowledged object in view, he was now ready to admit, without entering into any discussion upon the subject of indemnity, that if security for the future were to be obtained, the war ought to be brought to the most immediate conclusion. But this was an object which, however desirable, was, in his opinion, in the present state of things, impos-

ſible to be obtained; and upon this point he was ready to meet the queſtion, and riſk the preſent iſſue. He had, upon a former debate, aſſerted, and he repeated it now, that, compared to all former wars in which this country had ever been involved, there was no ſecurity which we could obtain to induce this country to make peace, under any probable proſpect of its continuance. For inſtance, the peace of Ryſwick, at the time when Louis XIV. entertained views of aggrandizement, ſo dangerous to the general independence of Europe, might be conſidered as a wiſe meaſure, at leaſt as a temporary expedient, without entering into the general merits of the meaſure; becauſe if it laſted two, three, four, or five years, yet was it as deſirable for the one ſide as the other, enabling either party to recruit its ſtrength, and meet its antagoniſt upon fair and equal terms. But, in the preſent inſtance, there was no ſecurity of the continuance of peace; no, not for a ſingle hour. To prove the truth of this aſſertion, it was only neceſſary to recollect, what was the ſtriking feature of the ſeveral events which have marked the revolution in France. What was it overthrew the adminiſtration of Necker?—Moderation! What deſtroyed the Conſtitutionaliſts, the Girondiſts, the Briſſotines, and all the various parties which have ſucceſſively riſen and ſunk in that agitated hemiſphere?—Moderation! Or what has ſtamped the power lodged in the hands of the preſent poſſeſſors?—The total want of it! Should ever theſe, however, attempt to depart from their uſual ſyſtem of violence, by thinking of ſo humane and moderate an idea as treating for peace, their downfall would be the inevitable conſequence, in order to make room for thoſe who, to prove themſelves worthy their ſituation, would inſtantly violate the faith pledged by their predeceſſors! Thus, it was evident, that unlike what was the caſe in any former inſtance, there was no ſecurity to be looked for in the idea of peace. It was aſked, what chance we were likely to have in obtaining any probable object by the continuance of hoſtilities? He was ready to admit, that gaining a few towns, or the gaining of even ten battles, was not of any avail to the putting an end to the preſent calamitous hoſtilities; nay, farther, he had no heſitation in ſaying, that that object, however deſirable, was only to be attained by the deſtruction of that ſyſtem of Jacobiniſm which domineered at Paris, and, through that, over the whole kingdom of France. When he ſtated this, he had no heſitation in ſaying, that however impracticable or diſtant ſuch a ſcheme might appear, yet it was by no means impoſſible or unlikely. He had, on a former night, ſtated his ſentiments upon this ſubject; which were, that in order to gain this conſummation ſo devoutly to be wiſhed, a ſtrong

frontier was absolutely necessary to be secured in the first instance, whence the United Force might push forward with advantage to the attainment of their object. He was the more confirmed in the propriety of this system, because should we even fail in the attainment of Paris, yet we should at least be in possession of a barrier, which would by securing our allies, be ultimately protection to us. Much had been said of the prevalence of opinions, as propagated by the French. It was true that those opinions were dangerous, in proportion to the power, the wealth, the population, and the influence of France, among the nations of Europe; but they were still more so, when it was considered they were principles of Jacobinism; principles which went to set the poor against the rich, to encourage those who had nothing to lose against the best supporters of order and good Government, and which, by cutting all the bands of society, tended to throw every thing into chaos and confusion. The right honourable gentleman had attacked the treaty with his Sardinian Majesty, and argued its inutility, from the successes of the French in that quarter. That they had gained some advantages in that quarter could not be denied, but still its good effects to the general cause were demonstrable from the divisions which it caused, and keeping so great a number of troops busied in one quarter, who might be otherwise so very dangerously employed in another. The subsidizing of the Prussian Monarch, was also a subject of much reprehension; for his part, there was nothing in that transaction which was a matter of much surprise to him. It was to be considered, that that monarchy was not to be ranked among the first-rate empires of Europe; it was merely artificial, and owed its power to its treasures. If those failed it must inevitably sink into a secondary character. Considering, therefore, that this Monarch had carried on two campaigns at a distance from his own territories, and where he had no probability of indemnity by the extension of territory, it was nothing surprising or unreasonable for him to demand that assistance, which, in carrying on the war, he must so much stand in need of. The events of the campaign had been particularly urged, as forming a strong ground in favour of the present motion; for his part, he saw nothing that was not in the highest degree encouraging. The campaign had not been fairly commenced above five or six weeks; in that short period, we had taken a town (Landrecy) of considerable importance, and which in former wars was considered as the key to the entrance into France; and though we had lost one or two others, as Menin, Courtray, &c. yet, when we contemplated the determined valour, spirit, and enterprise, which distinguished the whole of the allied armies, there was every reason to

look with confidence to the firſt proſpect of ſucceſs. The right honourable gentleman had propoſed a long ſtring of reſolutions, upon the firſt of which it was his intention to move the previous queſtion. As to the laſt of them, there was no ground whatever in ſupport of it. It was impoſſible in the nature of things to bind men down to preciſe terms, as the particular objects of purſuit. For his part he had always aſſerted that one country at peace with another had no right to interfere in her internal concerns; but he had as conſtantly maintained the right of ſuch internal interference, when one country was engaged in actual hoſtilities with another. It had been alſo aſked, whether at the time we were ſo eager to pull down the preſent authorities in France, we were prepared to build up others in their room. He certainly was not prepared to ſay what preciſe form ſhould be ſubſtituted in place of them, becauſe that muſt depend entirely upon circumſtances, after having at all events overturned the preſent power of the Jacobins, whoſe exiſtence was totally adverſe to every other authority in the world. For theſe reaſons he concluded with moving the previous queſtion upon the firſt reſolution.

The queſtion was here called for, and about to be put, when

Mr. SHERIDAN ſaid, that the honourable gentleman who had juſt ſat down, had ſpoken certainly with the tone of the right honourable Miniſter near him, (Mr. Pitt) though not with his ability: he had a right, however, to conclude from the ſilence kept by Miniſters, that the ſentiments uttered by the honourable gentleman, allowing for his warmth and confidence of aſſertion, were to a great degree their ſentiments. The honourable gentleman had on this, as on moſt occaſions, expreſſed himſelf with a degree of confidence, which impreſſed his mind, as it always had done, with an idea that though the honourable gentleman was not in the Cabinet, yet he certainly appeared to be ſo much in the ſecrets of Miniſtry as to be properly ſuppoſed to deliver their ſentiments. No other ſuppoſition, indeed, could warrant the manner in which that honourable gentleman delivered his ſentiments, unleſs we were to ſuppoſe that he had an hereditary knowledge of politics, and a deep inſight into the ſecrets of Cabinets ran in his blood. On the preſent occaſion, he could not but conceive that he had paſſed the bounds (of the inſtructions he would not ſay) but of the intimations at leaſt that had been given him by the right honourable gentlemen who were his ſupporters, and ſat on each ſide of him (Mr. Pitt and Mr. Dundas); for he could not conceive, however their ſilence might juſtify the ſuppoſition, that they were prepared to accompany the honourable gentleman in all the lengths he had gone this night. Not to fol-

low him through the greater part of his arguments, few of which were of much weight, or had the smallest tendency to refute those of his right honourable friend (Mr. Fox;) he should confine himself to take some notice of one or two positions, which seemed to him to meet the question on a fair and manly ground. The honourable gentleman had openly and candidly stated, that the object of the war was the destruction of the Jacobin Government of France, in order to effect which, our views must necessarily be turned to the destruction of Paris, the only probable means of effecting the end in view. Did the honourable gentleman, or the House seriously suppose, that this object was so attainable as he had asserted? He had relied much on the successes of the campaign, a campaign, which he said, had begun but a few weeks. He however was much afraid, that the calamities of the campaign had been much greater than the successes, and that we had gained little else but honour, and certainly honour of no inconsiderable degree had been acquired, especially by the British troops. But on a fair review and a balance struck, he was grieved to find, that other advantages had been few or none. In the same Gazette in which we were informed that Prince Kaunitz had driven the French beyond the Sambre, we had intelligence that the enemy had penetrated into Luxembourg, and had forced General Beaulieu to retreat. After the action of the 22d, which had been represented with great triumph in our Gazette as a complete victory, (he did not mean to impute any wilful misrepresentation in those accounts, but he well knew that persons who felt warmly interested in any cause, always put the best face on the position of affairs) the Emperor published a bulletin, which he held in his hand, which did not convey precisely the same idea of so complete a victory as we had been led to expect. The paper he had no doubt was genuine, and though a great deal had lately been said about forgeries, he believed no imputation of that sort could be fairly laid to this paper. It purports to be a bulletin published at Tournay, on the 24th of May, by the Emperor, and does great credit to the heart of that Prince, as a proof of his humanity and love of his subjects. After recapitulating the success of his troops in some late actions, he goes on thus: "The battle of yesterday, that of the day before towards the Sambre, and all the numerous and bloody engagements which have so rapidly succeeded one another, do immortal honour to the talents of the Generals, to the intrepidity and valour of the troops. His Majesty acknowledges it with satisfaction and confidence. He is impressed by it with sentiments of attachment and zeal. He esteems himself happy in having such allies, and such an army. But he only feels, in the more

lively manner, the pain of feeing perifh fo many brave men, unhappy victims of the fuperiority of numbers, of the *acharnement* of the enemy, of their own love for their Sovereign, of their difcipline, and their valour. The advantages of yefterday and the day before, are fufficiently known from the refult: His Majefty acknowledges, that they are owing to the admirable conduct of the troops; but this victory, bought by fo much blood, cofts but too much to his heart. His Majefty is deeply afflicted with fo many misfortunes and difafters: amid the cries of victory, he hears the groans of the wounded. The enemy has loft at leaft 6000 men, but the combined army cannot have loft lefs than 2000 foldiers killed. The day after 2000 combatants have loft their lives, cannot, to a feeling Monarch, be altogether a day of triumph." The honourable gentleman had recounted the capture of Landrecies in a manner truly ludicrous; he had fwelled it into an object of importance which it did not merit; and inftead of conducing any thing towards the real attainment of the object propofed, we were not one inch nearer Paris than we were before it was taken; but in fact, we continued nibbling round the rind of this country, which we were fo fhortly to enter in fpite of all oppofition. However, the honourable gentleman had difcovered that though French opinions might be harmlefs in themfelves, yet when backed by the power of France, it became neceffary to oppofe them. The more powerful then, the more we muft oppofe them; and if they fhould fucceed in conquering us, it would be an evidence of their power, confequently a frefh obligation upon us to exert the laft remains of our ftrength in oppofing them. This he took to be fo clear, that he thought it was as certain as mathematical demonftration. Perhaps the honourable gentleman received all this as hereditary knowledge. The fame language, he well remembered, was held at the time of the American war. It was then faid, will you cede to thefe rebels? If you do, the fpirit of revolt will ftalk abroad at home; Ireland will be loft, and the crown itfelf may be unfafe. If Minifters really did mean to avow this as their object, they had not even fteadily purfued it; for the Weft-India expedition was a deviation; and every guinea, and every man employed to that purpofe, was a grand defection from that great object, upon which depended, as we were told, the peace, happinefs, religion, and good Government of mankind. Lord Hood, who was now knocking his head againft the walls of Baftia, was of very little fervice, if he were even fuccefsful in his prefent attempt with regard to the final object. We ought not to have endeavoured to pilfer an indemnity, without confidering the interefts of the allies who contended in a common caufe. He was afraid that

we could not reproach even our moſt faithleſs allies. If all cant and hypocriſy were laid aſide, it would, perhaps, appear, that we had entered into this Swiſs romance, this mercenary cruſade, for no other purpoſe at firſt than to ſhare the ſpoil of France; and afterwards we had graced our iniquity with calling this a war of religion. Mr. Sheridan next noticed ſome of the tranſactions of the late imperial loan, and the explanation Mr. Pitt had given upon that ſubject. This explanation was ſo curious, and tended to put in ſo ſtrong a point of view the candour and open dealing of the right honourable gentleman, that he begged leave to read, for the information of the Houſe, the correſpondence that had paſſed on the ſubject, as given in a Miniſterial paper.

(COPY.)

SIR, *London, May 5, 1794.*

When His Imperial Majeſty's Miniſter at this Court, and the Treaſurer General of the Auſtrian Netherlands, propoſed to my Houſe the negociation of a loan for the Emperor, of three millions ſterling; I made it a ſpecial condition, in undertaking the negociation, that nothing ſhould be found in it contrary to the exiſting laws, or diſagreeable to the Government of this country; and when I had the honour of waiting upon you this morning, with the Imperial Miniſters above mentioned, you effectually removed every poſſibility of doubt on that head, by declaring the negociation perfectly legal, and aſſuring me that Government was pleaſed with its ſucceſs.

For the ſatisfaction of the Public, I beg you will have the goodneſs to repeat that aſſurance in writing.

I have the honour to be,
With the greateſt reſpect, Sir,
Your moſt obedient, humble Servant,

WALTER BOYD.

The Right Hon. William Pitt.

(COPY.)

SIR, *Downing-ſtreet, Saturday, May 17.*

In anſwer to the letter which I have received from you on the ſubject of the loan of three millions to the Emperor, which it has been propoſed to you to negociate, I have the honour to acquaint you, that I am not aware of any law to prohibit a loan to a foreign State in amity with this country; and that in the preſent caſe, Government by no means wiſh to object to a meaſure for the accommodation of His Imperial Majeſty, with whom His Majeſty is engaged in the cloſeſt union and concert.

I have the honour to be, Sir,
Your obedient humble Servant,

(Signed) W. PITT.

Walter Boyd, Eſq. Albemarle-ſtreet.

After ſome remarks on theſe letters, Mr. Sheridan inſiſted, that if, in the courſe of another year, the Emperor could not raiſe a ſupply, he muſt alſo become an artificial power, and apply to this country for a ſubſidy. The Empreſs of Ruſſia, he remarked, had alſo entered into a very ſolemn treaty, in which ſhe had promiſed not to lay down her arms but by common conſent: ſhe had, however, hitherto unfortunately forgot to aſk her own conſent to take them up. So that of all our allies, one had done nothing; another had done all he could do, and the remaining burden of the war muſt reſt upon ourſelves. Our allies the Dutch were far from pleaſed with our poſſeſſion of the Weſt-India iſlands, and he wiſhed the prophecy of a perſon, who was ſuppoſed to poſſeſs the gift of a ſecond ſight, might not come true, viz. that His Majeſty's Miniſters would ſhortly poſſeſs every iſland in the world except the iſland of Great Britain. The honourable gentleman had declaimed very much on the impracticability of making peace with the preſent Government of France, and had held language which ſeemed to pledge this country to a continuance of the war to an unlimited period.—He and his right honourable friends ſhould recollect, that ſimilar language had been held in the calamitous war with America, and ſhould learn from the example of that fatal conteſt to be more moderate in ſuch aſſertions, as there certainly was ſtill more in that war than in the preſent to juſtify any ſuch unqualified aſſeverations. There was one conſideration which had not been touched on by his right honourable friend who opened the queſtion, which yet he thought deſerving the attention of the Houſe, as intimately connected with the ſubject, that was the ſtate of the country at home. He could not but conſider the war as giving riſe to a very dangerous ſyſtem of ſpreading alarm among the lower orders, to excite their paſſions againſt the ſuppoſed enemies of their country, in order to throw more power into the hands of Adminiſtration, and to keep the Public from too nicely examining ſome of the late dangerous proceedings. For this purpoſe, fabulous plots and forged conſpiracies had been brought forward, originating ſolely in the foul imagination of His Majeſty's Miniſters. He perhaps might be told, that from the Report of the Committee, the Houſe had ſufficient ground to give credit to the exiſtence of ſuch conſpiracies. He for one, frankly avowed that he could form no ſuch concluſion from the facts in that Report, and he did not chuſe ſo far to give up his underſtanding to any individuals, as to receive the concluſions of men whom he thought deluded, and thoſe concluſions appeared to him as not founded on any thing like proof. It might be ſaid that the Houſe were to expect another report; if that report ſhould bring matter ſufficient

forward to prove any traitorous designs in any men whatever, he would be among the first to vote for their exemplary punishment, and to retract and apologize for any thing he had now advanced; this however, he was free to confess he did not believe would be the case. Here he could not help mentioning, what appeared to him contrary to the first principles of justice and honour. Many papers of the most inflammatory sort had been put into his hand, tending to irritate the public mind against the unfortunate men now in custody, which had been circulated through this metropolis, and over great part of the country. These he had little doubt he could trace, if not directly to the Ministers, at least to their agents and persons in their pay. One question he would ask, did Ministers mean to give these men a fair trial? He confessed it appeared to him very suspicious. It looked very much like an attempt to irritate the mob so far as to render it dangerous to a Jury to acquit these unfortunate persons. At any rate it was an unmanly, unfair, and unjust proceeding, thus to prejudice the people against persons whose innocence or guilt was not yet determined. He must advert also to the unfair methods which had got abroad into the world, of calumniating himself, and the persons who with him had opposed the conduct of Administration. This he should not rely on much, but would put a case for the House to judge on, that they might determine whether or no they thought it decent to have one of their Member's characters handled severely, contrary to what he must say was just. Suppose, said the honourable gentleman, a great Magistrate of the city, robed in the ensigns of his office, not lightly over a glass of wine, or after a good dinner, but solemnly and gravely in the Court with his brother Aldermen, should declare that a Member of Parliament, by name, Mr. Sheridan, would be sent to the Tower two months after his assertion, provided the *Habeas Corpus* act were repealed, and should back his assertion with a bet, and so considerable a bet as 120 guineas to six. Would you think this a light or trivial matter? and would not you suppose that such a Magistrate, from his known connection with Administration, had some authority for saying so beyond his own ideas as a private man. It would not be orderly to name the honourable Magistrate, but if he be in the House, he probably may be known by a gold chain he wears. It was well the laws of England were not assimilated with the laws of Scotland; for if they had, as he understood the law of leasing-making, with the assistance of the Attorney General, he should certainly have transported the first Magistrate of the city of London to Botany Bay. [Here a cry of Name.] No, said Mr. Sheridan, there is another reason. It is, a Poet somewhere says,

" A name that ſounds uncouth to Britiſh ears."

Notwithſtanding every ſuch calumny, in defiance of any threats, and in deſpite of popular obloquy, he ſhould ſtill continue to do what he thought his duty, and would challenge any one to point out any thing in his conduct which would juſtly ſubject him to ſuch an imputation. He concluded with giving his hearty approbation of the original motion, as in his conception it tended to promote the true and permanent happineſs of the people of Great Britain.

The LORD MAYOR OF LONDON thought it neceſſary to obſerve, that he conceived it ſtrange this matter ſhould be brought before the Houſe, as he had received intimation from Mr. Sheridan's Solicitor, that he had orders to commence an action againſt him for defamation. One thing only he ſhould ſay, what he had uttered on the occaſion had been much miſunderſtood and miſtated; what he had ſaid was in a joking and good-humoured way, and to a friend of Mr. Sheridan's. He was not in the habit of ſaying any thing ſolemnly and gravely in a mixed company. He ſolemnly pledged himſelf that no man was leſs given to ſlander than himſelf, or deteſted it more. His Lordſhip diſclaimed all knowledge of any calumnious papers againſt individuals, and declared that had the honourable gentleman applied to him, he would, he truſted, have given him ſuch ſatisfactory information as would have rendered any complaint on the ſubject totally unneceſſary.

Mr. Chancellor PITT ſaid, I do not feel it neceſſary, on the preſent occaſion, or in the preſent ſtage of the debate, to trouble the Houſe for any length of time, for the ſame reaſon that I had in the firſt inſtance conceived that it would be unneceſſary for me to trouble them at all. The ſubſtance of the queſtion, and of the arguments brought in ſupport, is, as was ſtated by the right honourable mover of the Reſolutions, certainly old. The honourable gentleman, however, who ſpoke laſt, has certainly contrived to introduce a conſiderable deal of novelty into the latter part of his ſpeech. I will not ſay that the matter which he thus introduced, was not connected with the queſtion: had it not been connected with the queſtion, you, Sir, would certainly have called him to order. I could eaſily, however, account for the principle on which you were reſtrained from calling him to order, when I recollect that on a former occaſion you ſtated, that any argument, however bad or abſurd, does not therefore become diſorderly. It is poſſible that an argument may have ſome connection, though it be not ſuch as can evidently be received in the firſt inſtance, and certainly it will be allowed with reſpect to the honourable gentleman, that he is poſſeſſed of ſuch in-

genuity as to bring together every argument, however incongruous, that may ſuit his purpoſe, and give it an appearance of connection with the queſtion. I will allow what that honourable gentleman ſaid had a connection with the queſtion. What then was the amount of his arguments? That you ought to diſcontinue the war, becauſe it afforded the means of fabricating plots in this country The honourable gentleman thought proper, without the ſmalleſt regard either to probability or decency, to aſſert, that plots had been fabricated, and that theſe plots had no foundation except in the foul imagination of Miniſters. The abuſe of that honourable gentleman has been too often repeated to have any degree of novelty with me, or be entitled to any degree of importance, either with myſelf, or any other of my honourable friends, who may occaſionally happen to be its objects. But I muſt own, that there is ſome degree of novelty indeed in this mode of attack againſt a Report originating from twenty-one Members, to whoſe character for honour and integrity I will not do any injury by comparing it with the quarter from which the attack was made.

Mr. COURTENAY here called the Chancellor of the Exchequer to order, and offered to repeat his words, as an improper and uncalled-for attack upon the character of his honourable friend (Mr. Sheridan).

The SPEAKER ſaid, that he felt himſelf called upon to interfere, and he truſted that the Houſe would impute to him no other motive in his interference, except the reſpect which was due to the character and dignity of the Houſe. He wiſhed to ſtate that there was no rule better eſtabliſhed in the Houſe than that, *Qui digreditur a materiâ ad perſonam* was diſorderly. That whatever wandered from the ſubject in debate, and is converted into a perſonal attack, is contrary to order; and in this reſpect, he could not help regarding the expreſſion of the honourable gentleman, "that theſe conſpiracies had no exiſtence, except in the foul imaginations of Miniſters," as diſorderly. He begged pardon of the Houſe for an omiſſion of his duty in not having called him to order when the expreſſion was made uſe of. Indeed the connection of the ſpeech of the honourable gentleman with the queſtion, was altogether ſo very nice, as to require ſome degree of attention before its drift could be perceived. He, however, thanked the honourable gentleman who had occaſioned the interruption; the expreſſions were certainly diſorderly, however they might have ariſen from that mode of attack which had been adopted by the honourable gentleman (Mr. Sheridan) in the firſt inſtance. He truſted that the interruption which had thus been given to the debate, would have the effect of allaying the heat which

had been introduced into the discussion, and of restoring order and tranquillity to the debate.

Mr. SHERIDAN rose—

Mr. Chancellor PITT. Except the honourable gentleman rises for a motion of order, I certainly, as having been already before the House, am entitled to speak. [Here Mr. Sheridan sat down] I beg leave to say, that I must always bow with deference to any interruption from you, whose regard to the dignity and impartiality in conducting the business of this House is upon every occasion so evident, and whenever interrupted for any expression that may appear disorderly, and may have escaped me in the heat of debate I most readily make my apology, where alone it is due, to you and to the House.

I was proceeding, when interrupted, to state, that the honourable gentleman (Mr. Sheridan) had argued, that the discontinuance of the war would put an end to those proceedings of a Committee of this House, which he has chosen to brand with such coarse and indiscriminate censure. The question is not merely, whether his mode of attack is fair and candid with respect to the individuals composing that Committee; but how far it is proper to be adopted, where their Report has already been received by this House, and been made the foundation of a measure now sanctioned by the three branches of the Legislature, (the suspension of the Habeas-Corpus Act)—The preamble of that measure states the existence of that plot, as recognised from the investigation of a Committee, and the inspection of voluminous papers, which the honourable gentleman has chosen to brand as the fabrication of Ministers. But why has he introduced this subject, apparently so little connected with the question? In order, as it appears, to give an account of a transaction, of which, I declare, till this night, I knew nothing. As little am I acquainted with the dissemination of those inflammatory papers, of which so much has been said by the honourable gentleman. I have, indeed, for these few days past, been engaged with the examination of papers, but papers very different from those alluded to by the honourable gentleman. These papers, voluminous in their size, form the Records of those Societies, whose proceedings have attracted the notice of Government. They contain materials of a nature very interesting indeed, and with which this House will speedily be acquainted. When these materials shall be brought forward, it will then appear, whether there is any real ground for alarm, or for supposing the existence of that plot which has been stated? I shall only desire the House to compare what shall appear upon the face of the Report of their Committee with what has been

asserted by the honourable gentleman, as having been made use of by a respectable Member of this House (the Lord Mayor). I am surprised that it could ever have appeared in any other light than as an expression of levity. The honourable gentleman, however, thinks otherwise. From the serious view in which he has taken it up, it appears that a conspiracy cannot be going abroad, but he immediately takes guilt to himself. If his jealousy be indeed so wakeful, and his fears so easily excited, in all probability the bet which he has mentioned with respect to himself may be a fair speculation. In one point of view I must indeed thank the honourable gentleman for having introduced the topic of the state of the country, and the existence of plots, however irrelevant it might seem to the subject of debate. However irrelevant it might seem as introduced by him, it is certainly highly in our favour. For, if from the result of the Report of your Committee, it shall appear that there is ground to suppose that there has existed a system in this country (and indeed no country in Europe has been exempted from its effects) to introduce French principles for French purposes, and by French means, if the same system may be traced all over the continent, and there shall be found to be the most striking coincidence both in the object aimed at, and the means by which it has been prosecuted, if the whole shall be clearly imputable to the present Government of France, and be calculated every where to produce the same effects, which we have witnessed in that country, it must then be admitted, that nothing less than the subversion of that Jacobin Government, which has been contended for by my honourable friend (Mr. Jenkinson) can be adequate to the purposes of the war. The present, indeed, is not a contest for distant, or contingent objects, it is not a contest for acquisition of territory; it is not a contest for power and glory; as little is it carried on merely for any commercial advantage, or any particular form of Government; but it is a contest for the security, the tranquillity, and the very existence of Great Britain, connected with that of every established Government, and every country in Europe. This is the view of the nature of the war, upon which this House has acted in its former decisions. It is a view confirmed by the experience of every day, and of every hour; it is a view which the events of the present moment have tended still more strongly to impress upon the minds of gentlemen of this House, this moment, which has been chosen of all others in order to induce us to abandon our principles, and reverse our decisions. I do not think it necessary to comment at length upon the string of Resolutions brought forward by the right honourable gentleman (Mr. Fox); they are evidently introduced

for the exprefs purpofe of recording upon the Journals of this Houfe, the opinions of that right honourable gentleman with refpect to the nature, the object, and the probable events of the war—opinions which he has brought forward both in the courfe of the prefent, and of the former feffion. The fubftance of all his Refolutions may be reduced to two, to each of which, now that I am upon my legs, I fhall feel it neceffary to fay a very few words. The right honourable gentleman, in a fpeech more diftinguifhed by its length and ability, than by any additional matter, or novelty of argument, divided the whole fubject into three or four periods, in order to prove, that the fubverfion of the Jacobin Government was inconfiftent with the former profeffions of this Government, and in its own nature impolitic and impracticable. In order to prove his affertion, the right honourable gentleman began with adverting to the profeffions of neutrality held out on the part of this country previous to the declarations, and to the negociations fet on foot, in order to fecure the continuance of peace. To this part of his argument, the anfwer of my honourable friend (Mr. Jenkinfon) was fo full and fatisfactory, as to require on my part no addition. I have only to ftate, along with him, that it is not every provocation which juftifies a war. The French Revolution might not, in the firft inftance, appear to be fo great an evil, as it has fince evinced itfelf to be. It might not be difcovered to have fuch pernicious effects as have fince unfolded themfelves to our view. The extent to which it carries the principle of propagating its doctrines by fire and fword is now, however, no longer a matter of doubt. The principle is rendered ftill more dangerous by the means which it poffeffes for carrying it into effect. Can we then be fuppofed to be pledged to the fame line of conduct in the prefent moment which in the firft inftance we might have deemed it prudent to adopt?—In proportion as the extent of the evil difclofes itfelf, does not there arife a neceffity for increafed means of refiftance? The right honourable gentleman ftated that even fubfequent to the memorable period of the 10th of Auguft, we continued our profeffions of neutrality, though we thought proper to break off all intercourfe with the French nation on account of their conduct to the Sovereign. Of the principles upon which that intercourfe was broken off, the Houfe have already expreffed their decided approbation; and can they then, with regard either to the dignity of their character, or the confiftency of their principles, renew, in a time of war, that intercourfe which they thought proper on fuch folid grounds to break off in time of peace, and at a time too when, I contend, that the attempt to renew fuch intercourfe would be as impotent as it would be difgraceful? The

right honourable gentleman ſtated, that the objects firſt held out for the war on the part of this country, were the breach of treaty by the French with reſpect to the Scheldt, and the views of aggrandizement which they diſcloſed in ſeizing upon the territory of the neighbouring powers. So far I admit he has ſtated juſtly; but when he ſays that all idea of interference with the Government of France was entirely diſclaimed, he ſtates what is not the fact.—Such an interference, I grant, was not preciſely ſtated, it was, however, referred to even in the firſt inſtance. And in proof of this aſſertion, I refer to the following paſſage in His Majeſty's meſſage, brought down to this Houſe ſo early as the 28th of January, 1793:

In the preſent ſituation of affairs, His Majeſty thinks it indiſpenſably neceſſary to make a farther augmentation of his forces by ſea and land, for maintaining the ſecurity and rights of his own dominions, for ſupporting his allies, and for oppoſing views of aggrandizement and ambition on the part of France, which would be at all times dangerous to the general intereſts of Europe; but are particularly ſo when connected with the propagation of principles which lead to the violation of the moſt ſacred duties, and are utterly ſubverſive of the peace and order of all civil ſociety.

Such was the language even then adopted by His Majeſty, and reechoed in the anſwer of this Houſe to that meſſage. A few days after, came the declaration of war on the part of the French. But what was the language I expreſsly held out in the courſe of the laſt ſeſſion, I refer to what muſt be within the recollection of every Member preſent. A few days previous to the cloſe of laſt ſeſſion, the right honourable gentleman came forward with a motion preciſely ſimilar in nature and effect to the Reſolutions which he has this day propoſed to the Houſe. I then ſtated, that while the exiſting ſyſtem continued in France, we could have but little hope of obtaining a peace upon ſolid and permanent grounds; that could a peace be obtained, I certainly ſhould not conſider the continuance of the ſyſtem, as itſelf, an objection. At the ſame time I expreſsly aſſured the Houſe that the proſpect of affairs was ſuch as not to afford the ſmalleſt ground of rational expectation of our ever being able to obtain ſuch a peace as we could either accept, or, for any length of time, hope to enjoy, while France remained under the influence of Jacobin councils, and that the proſpect of bringing the war to a concluſion, as well as the ſecurity for any engagements which we might form with France, muſt ultimately depend upon the deſtruction of thoſe principles, which were hoſtile to every regular Government, and ſubverſive of all good faith. I at the ſame time aſſert, that if an opportunity ſhould occur, in which we might interfere with advantage in the internal government of France, we

certainly ſhould avail ourſelves of every ſuch opportunity, as an operation of the war. Had I, as the right honourable gentleman has contended, diſclaimed all interference in the preſent war, I ſhould have done what never has been the caſe in any former war. And I have only to remind the right honourable gentleman, of what, upon a former occaſion, was his opinion with reſpect to an interference, which Government found neceſſary to make in the affairs of Holland. When we attempted to defend the interference upon the principles of juſtice, he contended that we proved too much, and that in order to juſtify the interference, it was only neceſſary to ſhew that it was for the intereſt of Great Britain. Upon what principle then can he now poſſibly urge that an interference, admitted in every former war, ſhould become unjuſtifiable in the preſent, that commenced on the part of France, with an interference againſt ourſelves? Having ſuppoſed then that all idea of interference was diſclaimed, the right honourable gentleman proceeded to bring forward a charge of inconſiſtency, from the Declaration of Lord Hood, at Toulon, and that afterwards publiſhed by His Majeſty, addreſſed to the people of France. Theſe Declarations, I affirm, are perfectly conſiſtent—that of Lord Hood only promiſes protection to the people of Toulon, ſo far as he could grant it, without ſpecifying any particular form of Government—they choſe to pledge themſelves to the Conſtitution of 1789. The Declaration of His Majeſty offers protection to all the people of France who ſhall approve of an hereditary monarchy. What then do the Reſolutions prepared by the right honourable gentleman call upon you to do?—to counteract all your former ſentiments—to abandon thoſe principles to which you have pledged yourſelves—to reſcind the meaſures which you have ſolemnly adopted—and, after having diſplayed the extent of your reſources, and put into the hands of His Majeſty means for carrying on the war, to tell him that he ſhall not avail himſelf of thoſe means, and abandon every reſource, except that of making peace with France. It is to require you, at the end of the ſeſſion, to make a recantation of all that you have done in every former part of it—to contradict all your former profeſſions, and to renounce opinions formed upon the moſt ſerious deliberation, and confirmed by repeated acts. It is worthy of remark, that the gentlemen on the other ſide, who are ſo fond of accuſing others of inconſiſtency, take to themſelves the credit of ſupporting the war to a certain period. Beyond that period they have ſtated, they found it impoſſible to give it any farther ſupport, though I muſt obſerve, looking to their general conduct, if the periods at which they gave it ſupport, and at which they thought neceſſary to withdraw it, were to be

tranſpoſed, the difference would be very inconſiderable. What was the period down to which they take the credit of having given ſupport to the war? the paſſing of the French Corps Bill. Then it was, it ſeems, that they firſt diſcovered that the preſent was a war for the purpoſe of an internal interference in the Government of France. But it is of little conſequence to this Houſe, what are the opinions of individuals, or what the pretences which they may hold out. It is their buſineſs to conſider what has been their general line of conduct, and what courſe they are bound to adopt on the preſent occaſion, from a regard to the dignity of their character, and the conſiſtency of their meaſures. In this point of view, they will conſider whether they have this night heard any thing to induce them to deviate from theſe principles, which they adopted on the moſt mature deliberation. The right honourable gentleman, in order to throw diſcredit on the object of the war, has had recourſe to a confuſion of argument. He chuſes to confound the ſubverſion of the preſent Jacobin Government with the conqueſt of France, and ſtates that we have in view nothing leſs than the entire ſubjugation of that country. He forgets that the objects are entirely different; we have no deſire to conquer France; we wiſh only to free it from a ſyſtem of tyranny equally oppreſſive to itſelf and dangerous to its neighbours; which can, in the firſt inſtance, only exiſt by the miſery of its ſubjects, and menaces in its progreſs the deſtruction of every regular government. But he ſtates, as an argument againſt our ſucceſs, that the force of that Government is in the preſent moment ſtronger than ever, while he adds, however, by way of parentheſis, no matter whether by terror or by whatever means. He ſeems to think that the means by which that power is ſupported, have nothing to do with the queſtion. I contend that they form the whole; ſince on thoſe means the permanence and ſtability of the Government muſt depend. If it is a power acquired by the influence of terror, and ſupported by a ſyſtem of coercion, it is neither likely to be ſolid nor laſting. Another object which the right honourable gentleman has urged, is, that even if you ſhould ſucceed in ſubverting the preſent Government of France, ſuch a meaſure would be in itſelf impolitic, and could afford you no proſpect of rational advantage. What, ſays he, would you deſtroy a Government before you have made up your minds what to ſubſtitute in its ſtead? do you conſider the conſequence of again ſetting the minds of men adrift, and how can you be ſure that the reſult will be better than what you at preſent witneſs? This is exactly an illuſtration of the mode of argument adopted by the right honourable gentleman, who, conſulting neither the policy nor expediency of the particular queſtion, is always

addicted to push his general principles to the extreme. You ought not, says he, to subvert the present form of Government, because, if the French are to be left to chuse for themselves, you do not know by what other form it may be succeeded, whether an absolute or a limited Monarchy, or a different species of Republic. In opposition to this reasoning, we can safely decide from experience of its effects, that any form of Government which succeeds the present, founded upon Jacobin principles, though not the best, must be comparatively good. But as a reason why we ought not to seek the subversion of this Jacobin Government, or be apprehensive of danger from its existence, the right honourable gentleman has stated, that it has been found perfectly possible for opposite Governments to exist together, without interfering with each other. I grant that this is perfectly possible with respect to any established Government, however defective, acting upon certain rules, and from certain principles. But I cannot admit that it is the case with respect to a system such as the present established in France, a system such as never existed before in any country, and to which no analogy can be found in the history of mankind; a system admitting of no modification of its vices, excluding all principles, and bearing in itself the seeds of hostility to every regular Government; a system not possessing the means of power for the protection of its subjects, but usurping them for their oppression. Such a system presents no remedy for its vices, or hope of security to its neighbours, but in its entire subversion. On all these grounds, I trust that the policy, consistency, and necessity of a vigorous prosecution of the war, will still appear to remain unimpeached. I have only a few words to say to that Resolution of the right honourable gentleman, which suggests, that we ought to aim at peace by negociation. In desiring us to have recourse to negociation, he contends, that we have at least nothing to apprehend from the experiment, even if it should fail, and that to propose terms can surely be attended with no harm. The answer of my honourable friend (Mr. Jenkinson) to this part of his argument, was so full and satisfactory, as to render it unnecessary for me to add any thing farther. My honourable friend stated, in the clearest manner, the little hope we could have of success in any negociation from the nature of the Jacobin system, and the characters of the present French rulers, and the still less security which we should have for the performance of any engagement into which they might enter. But the question is not merely whether these persons, now at the head of affairs in France, would be disposed to treat with us, or whether we could have any security for any peace which we might make with them? We are to recollect,

that while that ſyſtem with which we now contend continues in France, we can have no peace upon any terms ſhort of abſolute ruin and diſhonour; and that by an expreſs law of the Conſtitution, any Frenchman who ſhould propoſe to treat with us, except upon the conditions of abandoning our moſt ſacred principles and our deareſt rights, of ſurrendering our Conſtitution, dethroning our virtuous Monarch, and conſenting to introduce into this country that horrible ſyſtem of anarchy which they propoſe to our imitation, is declared a traitor. What then becomes of the argument of the right honourable gentleman, that even if we ſhould enter into negociation no harm could poſſibly be attendant upon our failure? Have we not reaſon to ſuppoſe, that by thoſe who avow ſuch principles, thoſe terms which we ſhould propoſe would moſt certainly be rejected? And what then would be the conſequence? By entering into negociation we ſhould have diſſolved that confederacy on which alone we can depend for ſucceſs againſt the common enemy. To the French we ſhould have given confidence and vigour; and baffled in our expectations of peace, ſhould ourſelves be again obliged to have recourſe to war, when war was found to be our only alternative, and when we had deprived ourſelves of the means for its vigorous proſecution. The acquiſition of the Weſt India Iſlands, the right honourable gentleman affirmed, was but of little conſequence, as to attaining the object of the war, the ſubverſion of the Jacobin Government of Paris. I grant that it may appear of little conſequence as to its immediate effects, but may it not be ſuppoſed to have a collateral influence? Is it indeed of little conſequence in the firſt year of the war to cut up their reſources, and deſtroy the ſinews of their commerce? Is the injury to their revenue leſs fatal, though from the monſtrous and gigantic expedients of finance to which they have had recourſe, it may not, in the firſt inſtance, be perceived? Is it of little conſequence to us in the proſecution of a war for which we do not ourſelves poſſeſs ſufficient military force, and in aid of which we muſt have recourſe to our pecuniary reſources, thus to procure the means of increaſing theſe reſources, by extending our commerce, and opening new ſources of induſtry? When the right honourable gentleman, then, repreſents the loſs of theſe Weſt-India Iſlands as but little felt, or altogether contemned, by the French, what obviouſly is the inference? Is it not that the Government which can ſuffer ſuch a limb to be torn from the empire without ſhrinking, which can view with indifference and unconcern the ſinews of its commerce deſtroyed, and the ſources of permanent revenue annihilated, can have but little intereſt or feeling in common with its ſubjects? If, indeed, we can ſuppoſe that

the French Government could see the danger of their colonies without fear, and submit to their loss without regret, it would only be a proof that they had become callous from desperation. Yet after the right honourable gentleman has represented these islands as considered but of little consequence by the Convention, how does he proceed to argue? He considers them in one respect important, as they may be employed by you as valuable *media* of negociation—that is, he proposes to you to give up acquisitions which are highly valuable to you, as a bribe to induce those who despise them, to abandon their favourite project. But if the right honourable gentleman should not succeed in prevailing upon you to adopt any of his Resolutions which go to offer terms of negociation, still he has one Resolution: He calls upon you, by an explicit declaration, to prescribe the precise form of Government, which you mean to insist should be adopted in France. This strange proposition he clothes indeed in elegant language: in that case, says he, you certainly would have fewer friends, but then they would be more sincere. What is the case? that at present there are a great many of different opinions with respect to the form of Government which they would wish to see established, but who, equally disapproving of the present horrible system, are prepared to concur with you for its destruction. These, whom it ought to be your object to unite and concentrate, he calls upon you, by this Resolution, to alienate and disperse; a Resolution too which goes beyond the line of your policy, inasmuch as your object is the subversion of a system incompatible with your interest and with the security of Europe; and that once effected, the Government that shall be deemed most proper to succeed, will then naturally become the object of modification to the different parties. I am the more surprised that such a Resolution should have come from the right honourable gentleman, as an honourable friend of his (Mr. Sheridan) has laid it down as a principle, and it is the only part of his speech in which I can agree with him; "That seldom has any nation laid down a peremptory declaration, from which it has not found it necessary at some time or other to recede." I am astonished, indeed, that the right honourable gentleman, who so much disapproves of all idea of internal interference in the Government of another country, should himself, by this Resolution, carry the principle so far—to a length indeed greatly beyond the line of our policy, and that object, which by our interference we propose to ourselves. It is not indeed more inconsistent with our principles than with his own: you could not adopt it without reprobating those sentiments which have been so often maintained by the right honourable gentleman; nor could he

himself vote for it without giving up all his former opinions on the subject. This last Resolution, therefore, I cannot deem more admissible than the others: it is not less incongruous in point of policy, than the former were repugnant to all those principles with respect to the present contest so solemnly adopted, and so repeatedly sanctioned by this House.

Mr. SHERIDAN spoke both to order and explanation. No man could be more inclined to support the decision of the Chair than he was; but he conceived that he had been misunderstood. The Chancellor of the Exchequer had been convicted of being disorderly, by the immediate decision of the Chair; and in making what he called an apology, had attempted to intimate that he excepted the person to whom it was at least equally due in common with the rest of the House. This apology for being disorderly, was itself a manifest breach of order. But while the right honourable gentleman was apologizing for his past behaviour, Mr. Sheridan allowed him most readily to make the distinction; for he should have received his apology with exactly the same sensations of contempt with which he had heard the provocation from him without it. He was as ready as any man to bow to the authority of the Chair, but in his case the Speaker had not called him to order at the time. It was the right of every Member to state his own conception of order, as well as the Speaker. He had said that the conspiracy originated in the foul imagination of His Majesty's Ministers; and he must now say that he felt no disposition whatever to retract one syllable; so far from it, that he would repeat his words, and his conviction, that these plots and conspiracies had originated in the foul imagination of His Majesty's Ministers; and he must insist, that speaking of them as Ministers, and not as individuals or Members of that House, this language was regular and in order. Whether the sounds were as musical as the Ministers would be pleased with hearing, was another question: they certainly were strictly parliamentary; and if it was ever established otherwise, there would be an end of all plainness and freedom of debate. The right honourable gentleman had thought fit to say that the Speaker would not interrupt a speech because it was bad or absurd; there again the Speaker should have called the right honourable gentleman to order; for it was well known that the Speaker, in his official capacity, could not tell any Member of the House that his speech was disorderly, but bad and absurd. The right honourable gentleman had hinted that a reflection had been cast on the Committee of Secrecy, and with a cautious magnanimity, he contrived to place himself in the center of these twenty gentlemen, for the purpose of applying to them

all what was intended to apply to himſelf. Only this was a groſs miſrepreſentation; for he had made no reflection on the Committee: but no arrogant mandate of that right honourable gentleman ſhould deter him from delivering his ſentiments freely. He had ſaid that the Committee were miſled; that he underſtood another Report was to come forth, and if that Report ſhould contain matter to criminate individuals, he ſhould wiſh to ſee them puniſhed, if guilty, and he ſhould then be ready to retract his opinion; but the Report, to produce that conviction, muſt be compoſed of very different materials from the other. With reſpect to the weight of character in that Houſe, and an alluſion of the right honourable gentleman, that nothing which fell from ſome perſons could give him pain, he could only ſay, that when the Miniſter, or any other man, ſhould tax him, in or out of that Houſe, with a ſingle action which he feared to meet or vindicate, he would allow him, without rebuke, to deal in ſuch inſinuations, which, by the way, he had indiſcriminately applied, at one time or other, to all who oppoſed his views. He left the Houſe to judge of the manlineſs of a perſon who ſheltered himſelf in the ſhade of his ſituation. He ſhould take no farther notice now of this part of the conduct of the Miniſter; he dealt in inſinuations which, but for his ſituation, he durſt not make. On ſuch a conduct he ſhould make no comment, becauſe he knew there were expreſſions of ſcorn and diſdain which the orders of the Houſe would not permit him to uſe. He would never aſk from the right honourable gentleman an apology for any provocation given within theſe walls; and he was well convinced, that no provocation would ever be given to him without.

The SPEAKER ſaid, that he ſtill retained his opinion that Mr. Sheridan was diſorderly in his reflection on His Majeſty's Miniſters, as the exiſtence of a dangerous conſpiracy againſt the conſtitution of this country was recognized in the preamble of the bill, which paſſed on the occaſion of His Majeſty's meſſage, and therefore no imputation ſhould have been thrown on it, unleſs it had been followed up by a motion. He wiſhed to preſerve the freedom of debate, and was only anxious to ſupport the forms and dignity of the proceedings of that Houſe.

Mr. FOX replied, and ſaid, when he conſidered the Secret Committee that had been alluded to, there were ſome men among them whoſe talents and integrity he held in the higheſt eſteem; but if in point of abilities, if in point of integrity and honour, if in point of every quality that could adorn the character of man, they were compared with his honourable friend, (Mr. Sheridan,) they were

compared with their equal, and the comparison would do them no dishonour.

With regard to the question, the Minister had blended two things essentially distinct; the medium by which we were to carry on this war, and the object for which it was carried on; and here he must say, that it was not originally expressed to be the object of our Executive Government; it had never been expressed to be the object of that House, it never ought to be the object of this country, to carry on the war for the purpose of forming a Government for France. Surely if there was any distinction to be marked by words, means were one thing, object another. The Chancellor of the Exchequer insisted that he confounded the idea of the alteration of the Government of France, with the conquest of France, and that in reality the majority of the people of France were against the present Government: for his part, he should not insult the good sense of the House by seeming to agree to this. How stood the facts as opposed to the bare assertion of the Minister? Look at the expedition of the Earl of Moira, an expedition not planned in secret, and overturned by stratagem, but an expedition publicly announced, and for six months endeavoured to be carried into execution, by affording to this mighty majority of the French an opportunity of joining us, for the purpose of destroying a form of Government of which they are said to be so tired. If he was, after this, to say that the great majority of the people of France were desirous of joining us to destroy their present Government, he should afterwards be ashamed to shew his face any where in Europe. The French were not now desirous of destroying their Republic. Had they ever been so? What was the case at the desertion of Dumourier? He abandoned the cause of the French Republic. How many followed him? A few officers and domestics. We took Valenciennes: How many repaired to our standard in consequence? We took possession of Toulon by the agreement of some of the inhabitants. We erected there a standard of Royalty: How many Frenchmen came to it? A declaration was made in favour of Royalty, and the French were called upon to shake off their sanguinary tyrants, and we would protect them: How many Frenchmen flocked to us for that protection? Were we not compelled to fly and abandon the town and its inhabitants to the fury of their enemies? To all these facts the Minister was to oppose a speculation of his own, to prove that the majority of the French were hostile to the present Government. If there was a majority of the people in that country who favoured the designs of the allied powers, but after all the opportunities which were given found it impossible to act, he gave no instance in which they were

better than if there exifted not one. *De non exiftentibus, et non apparentibus, eadem eft ratio.*

If the Peafants all along the frontier of France, who had Pruffian, Auftrian, or Britifh troops to fly to for protection, did not do it, but continued to oppofe them, what hopes could we form that they would yet do it? No, no, whatever the French might think of their Government, they would never join the allies to alter it; they had too clear a fpecimen of Pruffian, and Ruffian, and Britifh, and Auftrian integrity, to remain doubtful of its nature; they faw by the divifion of Poland, that when the allies profeffed to protect, their object was to plunder, and that in order to fhew their hatred and diflike of innovation, they themfelves introduced innovations of the moft fhameful and oppreffive kind. It was faid to be extraordinary, that gentlemen fhould both oppofe and fupport the war. He was one of thofe who did fo, let the ridicule attach to him if there would be any. He would do all in his power to perfuade the people of this country to demand peace, but if a headftrong, rafh, or ignorant, or haughty Minifter fhould plunge into a war, then we muft do the beft we could to get out of it, and to keep up our refpectability to the reft of the world, fupplies muft be granted; he would not confent to ruin his country, becaufe a Minifter had been either weak or wicked enough to involve us in a great difficulty; this was called fupporting and oppofing the war; but it was not new to him either in practice or in accufation; he did the fame thing in the American war, after the French had joined in it. He could not confent to receive laws from the French, and he believed they would be as unwilling to receive laws from us; this was a diftinction which every man could underftand, who gave himfelf the trouble to comprehend what he heard. With refpect to his affertion, that the Emigrant Corps bill was the firft open avowal of the intention of this country to interfere in the internal concerns of France; what he meant was, that it was the firft efficient act to prove fuch an avowal; for before, it confifted merely in declamations, and he knew the right honourable gentleman could, in a very happy manner, explain away thofe declarations if he found it convenient, or if it was neceffary to the prefervation of his place, even to condefcend to apology or humiliation; for there was no pill however bitter, that he would not fwallow, however high and vaunting his expreffions might be in that Houfe, rather than furrender power, that God of his idolatry; in fupport of this affertion he adverted to his conduct, after all his great words, concerning Oczakow, when he fubmitted to the moft degrading humiliation, and the moft fubmiffive apology to the Emprefs of Ruffia. If he found it anfwer his purpofe to explain

away his declaration with regard to France, he could prevail on Mr. Fawkener, or some other person, to go to Paris on that business, but overt acts were not so easily done away. Another objection he had to the Emigrant bill, was, that, though this country might break its faith with regard to nations, it should be cautious of preserving it with individuals, and not hold out to those unhappy people a protection which we were either unable, or had no intention to afford them. The extravagant position which had been maintained, that except the property of the emigrants was restored, our own was of no value, was neither the real sentiment of the person who advanced it, nor a principle upon which any rational person would act. The generosity of the sentiment had been highly applauded, and it had perhaps led many persons astray; but one instance he related of an emigrant gentleman, which, perhaps, put in its true light the nature of the assertion. He, upon being informed that such an expression had been made use of in the House of Commons, stated he had left behind him an estate of near five thousand pounds per annum, the title deeds of which he could produce, and that he was willing to give up all right and property in it to one of those gentlemen for five hundred pounds per annum; nay, if he thought that too much, for two hundred, or any sum upon which he could contrive to subsist decently in this country; but he could find no man foolish enough to conclude such a bargain.

As to the general argument, that the House had already divided on many points which were now brought forward, it was an answer that might be made to cover any error however enormous; it was an answer which he continually received during the American war, and which he had as continually despised—It was a mode of answering, however, which had cost the country above one hundred millions of money, and many, many thousands of men; it was by this sort of obstinacy in Ministers, and implicit confidence in the House, that this country might be ruined. These topics were resorted to, and this system adopted, by many of the same men in this and in that war; the conclusion of this might, perhaps, be more calamitous to this country than the conclusion of that war had been. The Minister had said a great deal on what was due to our dignity, and that we could not negociate with the present rulers of France without disgracing ourselves. Had he forgotten that he himself had negociated with Mr. Chauvelin, the then Minister of these very Jacobins, and that Lord Auckland had negociated with Dumourier, the then agent of these very persons? The Minister, on all occasions, dwelt much upon danger at home. The House, he feared, would be often called upon to attend to that subject.

When the militia was called out contrary to law, insurrections were alledged as the pretext; but the Minister was unable to produce a single instance of any set of individuals, having gone any length that was alarming to the Constitution. It had happened, however, that as the war had proceeded, Jacobins had increased in number in Germany and in Italy. War, therefore, had not hitherto tended to their extermination. He did not intend to have said any thing upon the alarm that had gone forth in this country, nor on the means made use of to increase and spread it; whenever the day came, he should be ready also upon that point. He could not now dismiss the point, he could not now dismiss the subject, however, without observing, that an alarm had been spread over this country, and a false one, for political and unfair purposes; the charge of conspiracy had been most foully exhibited against innocent persons. He knew how Mr. Walker was indicted for a conspiracy; that charge was most infamously false; it was supported by nothing but the most gross and disgusting perjury; and the Jury, against whom no complaint of attachment to Jacobinism was or could be exhibited, had unanimously given a verdict of not guilty. This prosecution was forwarded by whom? He had seen hand bills upon that and similar subjects, he would not say they were propagated by Ministers, but he knew it to be by men not unconnected with Ministers. With respect to himself, no man who thought of him with common candour and fairness, would think that he had wishes hostile to the Constitution of this country; honest men would think well of him, and from men of another description, he knew he should meet with misrepresentation and slander. It was a misfortune which he had already frequently incurred, and which he must submit to in the present instance; he therefore, in spite of popular clamour, would declare it to be his opinion, because it was his opinion, "That there is this day great cause for alarm in this country, but the danger is not to be apprehended from low and inconsiderable persons, who have read Mr. Paine's book, and who, perhaps, may not understand it, but from those who make the weak, instruments in the hands of the wicked, for the purpose of destroying the fairest, the most beautiful, the most ornamental, and at the same time the soundest and the best part of the Constitution of England by suspending the laws for the protection of the subject. That there is in this country, at this day, a party who think this a good opportunity to try to effect their purpose, and to defeat all the principles of Government that were popular at the accession of the House of Brunswick, who wish to establish in this country the despotism of some of the worst Govern-

ments of the Continent, by which all the freedom of the Conſtitution of this country, and the bleſſings we have enjoyed under it, are to be done away for ever. I know there is ſuch a party in this country; they are active, and not without hopes of ſucceſs; but it is my duty to tell this to the Public, that they may ſee their danger, know whence it comes, and prevent it, before it be too late.— They are a party who have always exiſted in this country, and who at different times, under the appellation of High Churchmen, Jacobites, and Tories, have endeavoured to deſtroy the civil liberties of the country. However odious they may endeavour to make me, I ſhall not ceaſe to oppoſe their views, ſo long as I remain in this Houſe, and to warn the people of their danger; and though, in the execution of this duty, I may have to encounter clamour and miſrepreſentation, I ſhall at leaſt be ſecure of the approbation of honeſt men, and the teſtimony of my own conſcience.

The Houſe then divided.

For the previous queſtion, 208; Againſt it, 57. Majority, 151.

Liſt of the MINORITY who voted for Mr. Fox's Reſolutions.

Anſon, Thomas
Aubrey, Sir John
Antonie, Lee
Baring, Sir Francis
Bouverie, Edward
Burch, J. R.
Byng, George
Clayton, Sir Robert
Courtenay, John
Church, J. B.
Crewe, John
Curwen, J. C.
Erſkine, Hon. Thomas
Featherſtone, Sir Henry
Fitzpatrick, General
Fletcher, Sir H.
Fox, Rt. Hon. C. J.
Francis, Philip
Harriſon, John
Harcourt, John
Honeywood, Filmer
Howard, Henry
Huſſey, William
Jekyll, Joſeph
Jervoiſe, C. J.
Ludlow, Earl
Long, Samuel
Maitland, Major
Milner, Sir W.
Milbanke, Ralph
Milnes, R. S.
North, Dudley
Pierſe, Henry
Plumer, Wm.
Powlett, Powlett
Rawdon, Hon. John
Ruſſell, Lord Wm.
Sheridan, R. B.
Shaw, Cunliffe
Smith, Wm.
Spencer, Lord Robt.
St. John, St. Andrew
Sturt, Charles
Taylor, M. A.
Tarleton, Colonel
Thompſon, Thomas
Townſhend, Lord John
Vyner, Robert
Walwyn, James
Weſtern, C. C.
Whitbread, S. jun.
Whitmore, John
Winnington, Sir Edward
Wilbraham, Roger
Wharton, John

TELLERS.

Lambton, W. Henry — Grey, Charles

Monday, 2d June.

A meſſage from the Lords informed the Houſe that their Lordſhips had agreed to ſeveral bills.

The Houſe adjourned.

Tueſday, 3d June.

The Houſe took into conſideration the amendments made by the Lords to the Briſtol Church bill, and the ſame being read, were agreed to.

The Houſe adjourned.

Thurſday, 5th June.

It being paſt four o'clock, the Speaker counted the Houſe, and only fourteen Members being preſent, adjourned the Houſe till to-morrow.

Friday, 6th June.

Mr. Chancellor PITT brought up the ſecond part of the Report of the Committee of Secrecy. He ſaid, it was his opinion, that the moſt eligible way would be to move that the report do lie on the table; and as he expected that he ſhould be able to preſent an appendix to the report to-morrow, he ſhould move that both be printed, and taken into conſideration on that day ſe'nnight.

The Houſe adjourned.

Saturday, 7th June.

Mr. Chancellor PITT brought up the Appendix to the Second Report of the Secret Committee; the title being read, he moved that the whole Report, &c. be taken into conſideration on Friday next.

The Houſe adjourned to

Wedneſday, 11th June.

The SPEAKER reported to the Houſe, that he had been in the Houſe of Lords, where the Royal aſſent was given by commiſſion to ſeveral public and private bills.

Mr. Chancellor PITT moved, that the order of the day for taking into conſideration the Second Report of the Secret Committee on Friday, be diſcharged; which being done, he ſaid, that the Appendix would be ready to be delivered to-morrow, and he propoſed that the whole ſhould be taken into conſideration on Monday next. Ordered.

I

Mr. Secretary DUNDAS gave notice, that he ſhould, when the Houſe was full, moſt probably on Monday next, move the thanks of the Houſe to the gallant officers and men who had lately contributed ſo much to the ſucceſs of His Majeſty's arms.

The Houſe adjourned.

Thurſday, 12th June.

Sir WATKIN LEWES gave notice, that he would take the firſt opportunity, when there was a Houſe, and move for leave to bring in a bill to amend the act of Charles II. for the farther regulation of the militia of London. The Houſe adjourned.

Friday, 13th June.

There not being a ſufficient number of Members preſent to form a Houſe at four o'clock, the Speaker adjourned.

Monday, 16th June.

A meſſage from the Lords informed the Houſe, that their Lordſhips had agreed to the French Property bill, to the bill for regulating the mode of conveying Slaves, and to the bill for erecting a Penitentiary houſe or houſes in the neighbourhood of the metropolis, &c. and that their Lordſhips had agreed to an addreſs to be preſented to His Majeſty, to which they deſired the concurrence of that Houſe.

The addreſs was then read, and the Chancellor of the Exchequer moved that it be taken into conſideration when the Houſe ſhall proceed to the other order of the day.—Ordered.

Mr. Chancellor PITT gave notice, That as he underſtood now the proceedings of the impeachment againſt Mr. Haſtings were cloſed on the part of the Commons, he ſhould move the thanks of the Houſe to-morrow to the Managers for their conduct.

Mr. Chancellor PITT brought up various papers, by way of Supplement to the ſecond Report of the Committee of Secrecy.—They contained a letter from Charles Grey, Eſq. Member of that Houſe, to the right honourable William Pitt, Chairman of the Secret Committee, incloſing a letter ſigned by Mr. Daniel Stuart, and other papers. The purport of this communication from Mr. Grey to the Miniſter was, to ſhew that there was no communication between the Society of the Friends of the People, of which Mr. Grey is a member, and that of the Convention which was held at Edinburgh, after the proceedings of that Convention changed their original appearance; after it called itſelf the "Britiſh Convention," inſtituted for the purpoſe of obtaining univerſal ſuffrage and annual

parliaments, &c. The Report of the Committee ſtated the propriety of communicating the whole proceedings to the Houſe, at the ſame time it obſerved, that the Committee were by no means convinced of their having committed any error in their former Report, though ſuch error had been attempted to be pointed out by Mr. Grey.

Mr. SHERIDAN made ſome obſervations on this Supplement to the Report; in the courſe of which, he maintained that there appeared in the Report ſomething like an intention to inſinuate that there exiſted between the Society of the Friends of the People, and that of the Britiſh Convention at Edinburgh, a connection from beginning to end; whereas it appeared that no ſuch connection exiſted farther, than while that Convention profeſſed to have nothing in view but a reform in Parliament; this was evident from the whole tenor of the letters of Mr. Stuart, the Secretary to the Society of the Friends of the People, ſigned and written by him as a private gentleman, and not in his official capacity, directed to Mr. Skirving at Edinburgh. He obſerved it was not fair to charge the Society with the contents of a letter containing the ſentiments of a private perſon. He complained that a letter, dated the 16th of October, 1793, in which Mr. Stuart ſtated that he only ſpoke his *private* opinions, as neither the Society nor Committee were ſitting, was ſuppreſſed in the Report, while all his other letters, which the Secret Committee, by the letter they ſuppreſſed, muſt have known to be only private perſonal ones, were inſerted as the acts of the Society. There was, indeed, nothing in any of the letters of which he did not approve; and from his perſonal knowledge of that gentleman, he ſhould not heſitate to defend, or even be reſponſible for his opinions; but the omiſſion of this particular letter he muſt conſider as a deſign to implicate the Friends of the People collectively in thoſe charges which were brought againſt other Societies. If Miniſters had any doubts on this ſubject, he wiſhed to know why they did not ſend for, and examine, Mr. Stuart; if they had, every doubt on this buſineſs would have been cleared up at once.—He did not think any part of this buſineſs merited much attention, farther than that it proved the inattention of the Committee who formed the Report, in not making the diſtinction between the formal ſignature of Mr. Stuart, as Secretary to the Society, and that of his name as a private gentleman, to a letter expreſſive of his own ſentiments in the abſence of the Society. From this inaccuracy in the Report in one part, he could not think favourably of the whole of it; but he muſt again ſay he ſaw in the letters nothing that any well-wiſher to the conſtitution of this country ought to diſavow.

Mr. Chancellor PITT maintained that the Report was the only

one the Committee ought fairly to make; they had detailed dates and circumſtances, and left the concluſion to the Houſe. He acknowledged that the letter of the 16th of October had been before the Committee, but being avowedly private, was therefore withheld. The letters inſerted, though not ſigned by Mr. Stuart, as Secretary, wore the appearance of being written by direction of the Society, as they contained orders for newſpapers, &c. in their name. But whether they were written from himſelf perſonally, or by the authority of the Society, ſtill it may not be improper for the Houſe to be made acquainted with the ſentiments expreſſed by a gentleman ſo highly in the confidence of the Society.

Mr. GREY ſaid, that the Secret Committee were in poſſeſſion of a private letter of Mr. Stuart's, dated 16th of October, 1793, in which it was ſtated that nothing could be done before the 29th of that month, either by the Society or Committee of the Friends of the People, as neither of them were ſitting, and very few of the Members in town: it luckily happened that in this letter it was ſtated to be a private one of Mr. Stuart's own, otherwiſe, from the conduct and reaſoning of the Committee, it is probable they would have inſerted it as the act of the Society or Committee, notwithſtanding it was written expreſsly to ſtate neither of them were ſitting. But although the Secret Committee was in poſſeſſion of that letter, which ſtated that the Friends of the People could not do buſineſs by the 29th of October, they have inſerted in their Report a letter (evidently a private one of Mr Stuart's) dated the 29th of October; dated on the very day which was pointed out by Mr. Stuart, as one too early for the Society to do buſineſs. The Committee therefore knew that the Society could not do buſineſs on the 29th of October, yet they have attempted to repreſent to the Houſe of Commons the evident individual acts of the Secretary on that day, as the acts of the Society. He ſaid evident, becauſe the letter alluded to is not only written in the perſonal ſtyle of "I received"—"I hope, &c." but begins in the familiar and unofficial ſtyle of "Dear Sir." This letter, therefore, was on the face of it a private and perſonal letter; and the Committee muſt, by the letter of the 16th of October, particularly have known it to be ſuch. From theſe circumſtances it is clear that the Secret Committee did not ſufficiently conſider the correſpondence of the Friends of the People and Mr. Stuart, and that the effect of miſrepreſenting that correſpondence to involve the Friends of the People in a general charge, of which the Committee had the means of knowing them to be perfectly innocent. This miſrepreſentation was however of little importance ſo far as the words in Mr. Stuart's letters were ſuppoſed to

fix any blame on the Society, becauſe he avowed thoſe words to be ſuch as he ſtrictly approved; but it is of great importance in ſhewing that the ſubject has not been truly ſtated by the Committee.—The proving of the Secret Committee to have miſrepreſented certain facts, is therefore juſt ground for doubting other parts of their Report. And it may alſo be obſerved that it would have been more candid in the Secret Committee, when they were ſuppreſſing, as they muſt have done, much matter foreign to their purpoſe, either to have avoided any mention of the Society of the Friends of the People, or to have acknowledged that no appearances of improper conduct on their part could be diſcovered. To mention the Society is equal to publiſhing the names of its known principal Members. And in a collection of circumſtances which they produce as a proof of a conſpiracy, to bring forward a Society or an individual againſt whom they prove no impropriety of conduct, and caſt no blame, and to confound them indiſcriminately with Societies and perſons whom they accuſe of treaſon, is a proceeding which appears to be inconſiſtent with that reſerve and delicacy profeſſed by the Committee in ſuppreſſing the names of perſons and places, and tending to involve individuals in charges of which they are innocent, and to expoſe them to the unmerited calumny of undiſtinguiſhing heat, and malignant inſinuation.

Mr. SHERIDAN ſaid, that for the honour of the Secret Committee, he had been in hopes that Mr. Stuart's letter of the 16th of October had never fallen into their hands; but now that it was owned by their Chairman, he thought it completely ſhewed their deſign of miſrepreſenting the Society of the Friends of the People, by ſuppreſſing thoſe papers which might ſhew their conduct in its true colours, and bringing forward only thoſe which they thought would ſubject it to cenſure.

The ATTORNEY GENERAL ſaid, the letter of the 16th of October was ſuppreſſed, in delicacy to a noble Lord whoſe name was made uſe of in it, evidently without his knowledge; and as to the letters of Mr. Stuart which the Committee had publiſhed, he thought it immaterial whether they were ſet down as Mr. Stuart's private acts or the acts of the Society; for they contained only a repetition of ſentiments which had formerly been publiſhed and avowed by the Friends of the People. Mr. Stuart's ſaying that it would be premature and raſh to call a Convention at preſent, was almoſt the very words of a letter ſigned by the honourable gentleman (Mr. Grey.) The Sheffield Society, on the 14th of May, 1792, in a letter to the Friends of the People, recommend a Convention, and they are anſwered that the Friends of the People do not yet feel

themſelves prepared to decide on ſuch a meaſure; but that in a more advanced ſtage of the buſineſs it might become fit matter for deliberation.

Mr. FRANCIS ſaid, that many things which he had heard this day were perfectly new to him; particularly ſome circumſtances alluded to by Mr. Pitt, which were ſuppoſed to involve a Society, of which he was a member, in the criminal conduct imputed to a certain Convention at Edinburgh, or at leaſt in ſome connection with that meeting. That he had regularly attended the meetings of the Society of the Friends of the People, at Freemaſons' Tavern, to which he belonged, and had never heard of any of the tranſactions now brought forward; or, if he had heard of them, he had utterly forgotten them. He knew nothing of the proceedings or deſigns ſaid to be carrying on at Edinburgh; but it appeared to him a moſt extraordinary and ſuſpicious circumſtance, that, while the Committee of Secrecy were hunting for evidence, and collecting information of every kind, and while they profeſſed to lay every thing that came to their knowledge candidly and fairly before the Houſe and the Public, they ſhould have deſignedly ſuppreſſed any part of it, as the right honourable gentleman acknowledged they had done. If they thought it right to publiſh the private letters of Mr. Stuart, as thoſe of the Secretary to the Society of the Friends of the People, they ſhould have publiſhed all of them—they ſhould have ſuppreſſed none; and leaſt of all, ſhould they have ſuppreſſed that particular letter of Mr. Stuart to Mr. Skirving, written in October laſt, the ſubſtance of which was ſtated in Mr. Stuart's letter to Mr. Grey of the 14th inſtant.

Here Mr. Francis deſired that the paſſage to which he alluded, in this laſt letter, might be read; and the ſame was read accordingly, as follows:

"That, on a ſubject ſo important as of that of ſending Delegates to the Convention at Edinburgh, it would be neceſſary to conſult the Society; but that the ſhortneſs of the time rendered it impoſſible to give proper notice, firſt for calling the Committee, (which was not then ſitting, and which alone could aſſemble the Society) and then for calling a general meeting; the ſhortneſs of the time I repreſented as the more objectionable in that ſeaſon of the year, when very few members were in town. No perſon in London ſaw this anſwer after it was drawn up; it was entirely of my own writing; and I think it was ſtated in it, that it was merely a private perſonal communication from myſelf."

Mr. Francis then appealed to the Houſe, whether it did not appear plainly, from the contents of this letter, that, ſuppoſing the proceedings of any perſons at Edinburgh to be in any degree criminal or unlawful, the Society of the Friends of the People could not

possibly have had any concern with them, or even a knowledge of any thing they were doing. The Society itself had adjourned from summer to the meeting of Parliament; and even the meetings of the Committee, appointed to act in the interval, had been suspended. That neither the Society nor the Committee was, or could be, assembled; the fact stated in this letter was a complete exculpation of both; yet, of all the private letters which the Committee of Secrecy had got possession of, this letter was the only one they had thought fit to suppress. Such a proceeding spoke for itself, and required no comment. The fact was before the House; the right honourable gentleman had acknowledged that the Committee of Secrecy were in possession of the letter, and that they designedly withheld it.—Such a proceeding, in his opinion, highly affected the honour and integrity of the Committee, and they were bound to clear it up.

Mr. LAMBTON called the attention of the House to the particular construction of the various letters Mr. Stuart had written in his official and individual capacity which exemplified their difference. The former of which, the vote of thanks on the 18th of May was one, began—"By order of the Society of the Friends of the People," and were signed by "Daniel Stuart, Secretary to the Society of the Friends of the People," whereas the letters quoted by the Committee were solely signed by himself in his individual capacity.

The Hon. THOMAS MAITLAND rose to vindicate his noble relation (Lord Lauderdale), who, in the letter suppressed, had been mentioned by Mr. Stuart as likely to be present at the meetings of the Scotch Convention. It had been pretended that the letter of the 16th of October was suppressed in delicacy to Lord Lauderdale, because it said his Lordship might perhaps be present at the Convention. This reason was clearly fallacious; for the Committee have always professed that they would suppress the names of all persons who were not accused, or even who might be brought to trial. The letter in question might therefore have been inserted, with the omission of Lord Lauderdale's name. But even if his name had been inserted, and admitting that to have it in contemplation to attend the Convention was a crime, yet still the letter would not criminate his Lordship. It was expresly the individual act of Mr. Stuart, who probably thought he could not take upon himself to say either that the Society would or would not send Delegates. He therefore left the decision on the propriety of acting with the Convention, to the Members of the Society then in Scotland, and perhaps named Lord Lauderdale with no other view than that of pointing out his Lordship as one whose conduct was most likely to be such as would afterwards be approved by the Society. But his

Lordſhip finding that violent characters from England were about to join the Convention, refuſed giving it his countenance. He heartily diſapproved of the wild, abſurd ſchemes which had been entertained by that body; and he affirmed that there was not a more ſincere friend to the conſtitution and to the country, than his Lordſhip, in either Houſe of Parliament.

Mr. SHERIDAN ſaid, that as ſo many miſtakes in the Report had been detected, the Houſe had a right to diſbelieve the whole, and thus the Report was of no value. He could not adviſe Mr. Grey to practiſe candour, becauſe he could not promiſe him a return from the Committee. This he proved by the implications and inſinuations made in their Report. For his part, he could not diſcover any impropriety in either of Mr. Stuart's letters, nor ſhould he, were they written under his direction, be afraid of any conſequences, or aſhamed to diſavow them. He detected and expoſed three untruths in the Report, which conſiſted in the account of the meeting of the Society, and the letters written by Mr. Stuart on the 23d of July, and the 29th of October. He ſaid he was ſorry the Committee had ſeen the letter which explained the innocence of the Society, becauſe it betrayed the malice or the negligence of the Committee, and therefore for their honour, he hoped it had been never ſeen. The ſuppreſſion of it was certainly remarkable, for if any doubts were entertained of the Society's colluſion, it would have been but honourable to have examined the Secretary; as the Secretary however was not examined, and theſe parts of the Report were ſo inaccurate, he had but a bad opinion of the reſt of the batch.

The ATTORNEY GENERAL in reply to Mr. Francis, told him, that if he knew nothing of the proceedings of the Britiſh Convention, he ought not to give his vote that evening, and that in regard to him the Committee had miſpent their time.

Mr. FRANCIS explained. He ſaid he ſhould give his vote, and that the learned gentleman had not anſwered his charge.

The SPEAKER informed him, that if the learned gentleman had not expreſſed his opinions with preciſion, he ſhould be called on to explain.

Mr. WHITBREAD, junior, ſaid it was inconſiſtent and contradictory in the right honourable gentleman to defend the publication of two letters of Mr. Stuart, on the ground that it was important to ſhew his private ſentiments, and yet to ſuppreſs the only letter which explicitly ſaid it contained his private ſentiments. If the Committee really had been deſirous of ſhewing Mr. Stuart's private ſentiments, they would have publiſhed the letter of the 16th of October, in preference to the other two. This, he affirmed, amount-

ed to full proof, that the object of the Committee was not to ſhew Mr. Stuart's private ſentiments, (which he fully approved,) but to miſrepreſent them as the ſentiments and acts of the Society.

The Secret Committee have profeſſed much delicacy in bringing forward the names of individuals in their Report. To judge how far they have adhered to this profeſſion, he begged leave to call obſervation to Appendix F. No. 1, and No. 6—No. 1, is a letter from the Sheffield Society to Mr. Skirving, in which they tell him to direct to Mr. ——(here the Committee omit the name:) The Sheffield Society ſay that direction will generally make letters come to hand No. 6, is a private letter from Mr. Stuart to Mr. Skirving, in which he deſires the Edinburgh Gazetteer may be ſent to him under cover to C. Grey, Eſq. M. P—(here the Committee *inſert* the name.) Let any man of candour, then, compare the letters No. 1, and No. 6, in Appendix F.—In both letters he will find that names were brought forward as channels of communication, but I defy him to ſhew any reaſon for ſuppreſſing the name in the Sheffield letter, which is an official one written in the name of the Committee, and for bringing forward the name in Mr. Stuart's letter, which is a private one, unleſs it was to bring in the name of Mr. Grey, whom it might be deſirable to repreſent as inculpated, but againſt whom no charge could be made. It was argued by Mr. Pitt, that in the two private letters of Mr. Stuart there ſeemed to be matter written in the name of the Society. He inſtanced that in the firſt (dated 23d July) the ſpeech there alluded to was ſtated not to be the property of the Society, and that in the ſecond (dated 29th October) Mr. Stuart wrote for the Edinburgh Gazetteer, ſaying the Society would pay for it. In anſwer to the firſt of theſe obſervations it may be obſerved, that Mr. Stuart was ſurely capacle of ſaying the ſpeech ſent perſonally by him was not the property of the Society, without conſulting it on the ſubject; and with regard to the ſecond, Mr. Stuart, who had a general order for purchaſing newſpapers, no doubt thought he was only doing his duty to the Society, in procuring one which contained the moſt full account of the proceedings of a body (the Convention in Edinburgh,) profeſſing to be acting in favour of the ſame meaſure which has always been the ſole object of the Friends of the People in London—a parliamentary reform. It was his duty to procure ſuch information, in order to lay it (if called for) before the Society at their firſt meeting, and therefore he might fairly ſay the Society would pay for it. But the letter carries ſtill better evidence on the face of it, that the ordering of the newſpaper was a perſonal unauthorized act of Mr. Stuart. It ſays, " Let him charge it either to the Society,

" or to myself." If the Society had desired him to order the paper, he would unequivocally have directed it to be charged to them.—Rendering himself personally liable to pay for it, shews that he at the time conceived the possibility of the Society's refusing, and therefore that he had not consulted them on the subject.

Mr. Secretary DUNDAS disclaimed all intention of travelling into the circumstances of the Report: he only rose to remark, that all parties now contended, as it were, with each other, who should be most aloof from any connection with the Convention at Edinburgh; this was a full answer to all the calumny which had been so industriously circulated against the Magistrates who had so laudably acted in bringing the Members of that Convention to justice.

Mr. FOX retained, in their full force, all the sentiments he had expressed on the conduct of the Magistrates of Edinburgh, upon this subject, and he wished to know by what authority the papers of Mr. Skirving had been seized, he being clear it was illegal to seize them at all, if the person possessing them was not charged with high treason; he hoped some information would be given on that subject at some future day. But he should not have troubled the House at all on this subject, had it not been for the sentiments expressed by the Secretary of State. He thought it quite unfair to infer, that because certain persons were desirous of shewing they had no correspondence with the Scotch Convention, that therefore they meant to condemn it. He himself, for instance, if said to be the intimate friend of any particular person, might surely deny such intimacy, without being supposed to throw odium on that person. The honourable Secretary had conveyed an idea, that no Society should be allowed to exist, if its principles were disavowed by all parties in that House; now that was a doctrine to which he never could subscribe. There had been many Societies to which he would be sorry to belong, and whose principles and professions he could not assent to, and yet whose existence was strictly legal and constitutional: he was an enemy to the idea of thus blaming any Society in the lump; it was a conduct that was not warranted by the spirit of our Constitution.

The supplement to the Report was then ordered to be laid on the table, and to be printed.

Mr. Secretary DUNDAS, pursuant to the notice he had given, of moving for a vote of thanks to Earl Howe, and the other Admirals, officers and seamen of the British fleet, entered into a very strong eulogium on the noble Earl's conduct. He called the victory lately obtained over the French navy one of the most brilliant actions that ever the page of history recorded. It was a victory so brilliant

and so signal, that the enemy had not the pretence to say that they were overpowered by a superior force: what his own feelings were upon the occasion, he had not language sufficiently adequate to do justice to; and what the feelings of the Public were on this most glorious event, might be read in the general expressions of joy throughout the kingdom: never was an action fought with greater bravery; never was the skill of the noble Earl so admirably exemplified, or so successfully put into practice. His manoeuvres were of the most masterly kind, and his courage did honour to his profession. It frequently happened in naval engagements, that the Admirals had to blame the officers, and the officers the Admirals; but on the late occasion, the Admirals, officers and men, seemed to be animated with one soul, to be fired with the same ardour, and to be impelled by one motive to action. This brilliant victory was singular in one respect, that no one man had to call another to account for his conduct. The lowest seaman in the fleet looked upon himself on that day as the conqueror of the enemy. What demanded the greatest possible commendation, was the national humanity that had been evinced; for scarcely had the minds of the men subsided from that degree of heat and fierceness that of necessity must be produced under such circumstances, when, according to the first dispatch that was sent home by the noble Earl, they used the utmost exertions to save the lives of the men on board the sinking ships of the enemy. Let any man (exclaimed Mr. Dundas) contrast this conduct with the decree of another nation, the object of which is, that no quarter is to be shewn! Mr. Dundas said, he should not dwell longer upon the subject, because what he could say would by no means add to the merit of the noble Earl. There was, however, one circumstance that he begged leave to state: he happened to be present at a conversation that took place about a year ago, between His Majesty's Ministers and the gallant Earl, who surprised him on account of the eagerness that he displayed at his time of life, and the keenness and fire with which he appeared to be animated. His great wish was to meet the enemy, which he had so completely conquered. But the reason why he mentioned this circumstance was to prove, that if any suspicion had been entertained that the noble Earl declined to meet the French fleet, it was totally void of foundation; for he would assert that the conduct of the noble and gallant Admiral was as conspicuous every day since he took the command of the fleet as it was in the engagement that took place on the 1st of June. It was also particularly worthy of observation, that the naval state of this country at present, considered in point of force, and considered in point of the skill of the Commanders, and the bravery of the men,

was never ſo great or powerful in any period of our hiſtory. During the whole courſe of the war, we had loſt but three ſhips of an inferior force. On the other hand, we had captured not leſs than 118 of the enemy's ſhips, beſides thoſe that we ſunk and deſtroyed. It would be needleſs for him to ſay more upon the preſent occaſion, as he had not the ſmalleſt ſhadow of doubt but that every Member in that Houſe would give his moſt hearty concurrence to the reſolution that he had the honour to ſubmit. Mr. Dundas concluded with moving,

That the thanks of this Houſe be given to Admiral Earl *Howe*, for his able and gallant conduct in the moſt brilliant and deciſive victory obtained over the *French* fleet, on the 1ſt day of this inſtant *June*, by the fleet under his command.

Mr. FOX roſe to give his moſt hearty aſſent to the motion now before the Houſe. He had no doubt of the ſpirits, activity, ſkill, talents, or patriotiſm of the noble Earl; however in political queſtions he might have been adverſe to him, there was not a man in that Houſe, or in this country, who had given higher ſatisfaction in all his profeſſional life than he had; he therefore never heard a motion which had more decidedly his approbation than the preſent. He had uniformly believed, that if the noble Earl ſhould not engage the French fleet, it was only becauſe he had no opportunity of doing ſo. He knew that Nobleman to be engaged in the ſervice of his country at a time when faction was extremely high, and under all the difficulties that naturally aroſe under ſuch circumſtances, he maintained his character for ſpirit, ſkill, and talents, ſo as to make it impoſſible for any rational man to ſuppoſe that he would not attack an equal force of the enemy at any time. Having ſaid this in mere juſtice to the character of the Nobleman who was the deſerved object of admiration, he muſt then ſay he could have wiſhed that the right honourable gentleman who brought the buſineſs forward, had not brought extraneous matters before the Houſe, under the convoy of this victorious fleet, and that he had not blended points on which opinions were divided with thoſe on which there was, as there ought to be, perfect unanimity; ſuch conduct, on the part of the Miniſters, would, on any other occaſion, call for his animadverſion; but on this he ſhould not ſay any thing that might, by the moſt perverſe conſtruction, be ſuppoſed to diminiſh the glorious unanimity of the day. With regard to the brilliancy of the victory, he ſubſcribed to every word that had been ſaid in praiſe of it; nor were the obſervations that were made on the humanity diſplayed on the occaſion, at all miſplaced. This added to the numerous proofs we found in the hiſtory of battles, that true valour and humanity were nearly

allied; and he hoped to God they would for ever remain inseparable companions. Of this victory he should say nothing more than that he rejoiced in it as much as any man in England could rejoice in it; and that considering it in a defensive view, it was extremely important to this country, as well as glorious. But he could not help saying, that if at an early period of the war, any man had said that this was a matter then so doubtful, that on its happening it would be considered as a matter of great triumph, and to be rejoiced at as an event not to be expected, such a person would have been considered as making use of a very desponding observation. He rejoiced in this victory, not on account of its being beyond his hopes in the beginning, but on account of the comfortable reflection arising out of it, for it had saved us from the possibility, and removed our apprehensions, of an invasion from the French; and if it was made proper use of by Administration, for the wise and salutary purposes of procuring peace, it would then be indeed a blessing to this country. If turned to the purposes of peace, then we should have reason to rejoice, then it would be as solidly useful as it was unquestionably brilliant, more so perhaps than this country ever knew at any period of its history. But if it was made use of for the impracticable object of destroying the Government of France, though its brilliancy should remain, its utility would cease. He should say no more upon this subject, he should not touch on the points which he could have wished the right honourable gentleman had passed over, because he was extremely desirous there should be not only an unanimity in the vote, but in the language also of that House on this occasion; he should therefore only say, he never gave a vote in his life with more complete and heartfelt satisfaction than the present, first as to the noble Earl under whose command the victory was gained; next as to all the officers and men who acted under him, for he presumed it was to be extended to them all; a vote, he believed, never passed that House, that was followed with more general and cordial concurrence throughout this country.

Mr. STANLEY and Mr. ROBINSON, who were determined not to give a silent vote, both highly applauded the motion.

The question was then put, and carried, *nem. con.*

Mr. DUNDAS then moved,

That the thanks of this House be given to Admiral *Graves*, Admiral Sir *Alexander Hood*, Knight of the most Honourable Order of the Bath, Rear Admiral *Bowyer*, Rear Admiral *Caldwell*, Rear Admiral *Gardner*, Rear Admiral *Pasley*, and Sir *Roger Curtis*, Knight, and to the several Captains and Officers of the fleet under the command of Admiral Earl *Howe*, for their bravery and gallant conduct on the said most glorious occasion; and that Admiral Earl *Howe* do signify the same to them.

That this House doth highly approve of, and acknowledge, the services of the seamen, marines, and soldiers, on board the ships under the command of Admiral Earl *Howe*, in the late glorious victory over the *French* fleet; and that the Captains of the several ships do signify the same to their respective crews, and do thank them for their gallant behaviour.

All of which were granted, *nem. con.*

Mr. Dundas, after having deplored the death of Captain Montagu, who had fallen in the action, informed the House that he had a motion to offer respecting him, which, he said, had been made before in similar circumstances, viz.

That an humble address be presented to His Majesty, humbly desiring that His Majesty will be pleased to give directions, that a monument be erected in the Collegiate Church of *Saint Peter's*, *Westminster*, to the memory of Captain *James Montagu*, of His Majesty's ship *Montagu*, who fell gloriously in the naval engagement of the 1st of *June*, when a decisive victory was obtained by Admiral Earl *Howe* over the *French* fleet; and to assure His Majesty, that this House will make good the expence attending the same.

This motion was also granted, *nem. con.*

Mr. Dundas then said, that he would postpone till Thursday his proposed motion for thanks to another Admiral.

Mr. SHERIDAN said, that if the motion intended by the right honourable gentleman, applied to Lord Hood, he should think himself bound to oppose it, and would certainly do so, whenever it was brought forward.

Mr. Chancellor PITT moved, "That the address which had been sent up by the Lords to the House for its concurrence, should be agreed to."

The address was then, by desire of the Speaker, read, as follows:

An Address to the KING.

Most Gracious Sovereign,

WE, your Majesty's most dutiful and loyal subjects, the Lords Spiritual and Temporal, and Commons, in Parliament assembled, having taken into our most serious consideration the communications, which your Majesty has been pleased to make to us, respecting designs against the public peace and safety carried on within this realm, think it our bounden duty, at this period, humbly to lay before your Majesty those sentiments to which we are led by the result of that examination.

We have seen, with the utmost concern and indignation, that there has existed within this realm a seditious and traitorous conspiracy, directed to the subversion of the authority of your Majesty and your Parliament, and to the utter destruction of the established Constitution and Government of these your Majesty's kingdoms; and that, for the execution

of those wicked and detestable designs, means of open violence were preparing, and acts meditated, leading to all the horrors of insurrection, anarchy, and rebellion.

That, with the fullest conviction of these designs, thus deliberately entertained, openly avowed, and on the very point of being attempted to be executed, we feel ourselves bound to express to your Majesty our gratitude for the paternal care which your Majesty has shewn for the dearest interests of your people, in having taken such measures as might best tend to defeat all such purposes, and to bring the authors and abettors of them to public justice.

We have, on our part, proceeded without delay, after the example of our ancestors, and under the just impression of the exigency of such a situation, to vest in your Majesty, by law, such additional powers as seem best calculated to provide for the public peace and tranquillity: and we rely with confidence on your Majesty's employing all legal and constitutional means for the punishment of such crimes; for the suppression of the first appearance of any tumult or disorder connected with them; and, generally, for the giving, as the circumstances manifestly require, full energy and vigour to the execution of the laws by which all your Majesty's subjects are equally protected, and from which alone they can derive the secure enjoyment of property, of liberty, and of life itself.

And we beg leave to assure your Majesty, that, as we are determined to defend with resolution and vigour, against our foreign enemies, the rights of your Majesty's Crown, the safety and welfare of our country, and the existence of good order and civil Society, so we will, on every occasion, afford to your Majesty the fullest support and assistance in maintaining inviolate the free Constitution of these realms, in preserving internal peace and tranquillity, and in resisting the desperate purposes of those, who would introduce among us the miseries which now prevail in France; such being the conduct which we feel to be due from us as faithful and affectionate subjects, and as men deeply impressed with the value of the blessings which we enjoy.

Mr. Chancellor PITT. However important the motion which I am now to make, or however important the subject be in itself, I shall not, on the present occasion, feel it necessary to trouble the House at much length. The materials connected with the question are now so public, as in a great measure to supersede the necessity of discussion; and I should consider very little as wanting on my part to secure the almost unanimous concurrence of the Members of this House to the address now proposed for their acceptance. Whether indeed they shall give this unanimous concurrence, can depend only on one question, whether they think the proposition stated in the

Address itself made out by the evidence brought forward in the Reports of your Committee. If they think that proposition true, whatever difference may subsist in political opinions, they can surely have no hesitation to unite in carrying to the foot of the Throne the effusions of their loyalty, and the expressions of their abhorrence of a detestable conspiracy formed against our happy constitution. The conclusions from which the proposition is drawn, depend upon a variety of matter, and embrace details of a considerable extent, which as you have already before you, it cannot be necessary for me to recapitulate. These partly depend upon verbal examination, the result of which you take upon the credit of your Committee, but much the greater part upon authentic documents, and the written declarations of the parties implicated in the transactions, which have so justly excited our alarm, and called for your vigilance. From these it will appear, that whatever shades or nicer distinctions may be found in the principles avowed, and the expressions adopted by the different Societies, whatever disguises and pretexts may be assumed by some, or whatever impositions might be practised upon others, there existed a regular systematic design, deliberately formed and long acted upon, directed to the subversion, not of a part, but of the whole of a British constitution, conducted by specific means, and these the best calculated for that end. Not only was the measure of a Convention proposed; steps were taken to carry it into execution. The nature of this Convention was not equivocal; the object it had in view was clearly proved by a studied recommendation of principles, stating the necessity of having recourse to such Conventions, and the rights attached to them, as the representative of the national sentiments, and the sole organs of the sovereign will of the people. These principles were enforced by holding out as an object of applause and imitation, the practical model of another country, and the examples of that revolution which had there taken place under a Convention, and by a deliberate recommendation of a long and elaborate essay on Conventions, I mean the speeches of Barrere, in which are inculcated the right of the people to be in a sovereign state of insurrection, the sacred duty of subverting established Governments, the propriety of investing Conventions with a species of despotic power, in short, principles, which if carried into effect, would go equally to destroy the existence of our Legislature, and the inviolability of our Monarch. Sometimes, indeed, in the proceedings of these Societies a parliamentary reform is talked of, and we even find them recommending to petition for the purpose; but we also find the idea of a Convention to have been previously in agitation, and that in these instances it was departed from,

not in confequence of any preference given to the mode of petition, but becaufe they confidered petitions as a neceffary engine, in order to promote the fuccefs of their operations, and as part of that plan from which they were to look for the completion of their purpofes. When their petitions failed, what was the conduct which they then adopted? They endeavoured to perfuade the people that the time was come when petitions were no longer of avail, and a Convention was the only refource to which they could apply for the redrefs of their grievances; no relief could now be expected from Parliament, and they had only to truft to their own valour and exertions. When a Convention was firft propofed, it was indeed ftated to be only with a view to the object of parliamentary reform. But in proportion as they increafed in their numbers, they became enlarged in their views. As an illuftration of this, it was only neceffary to look to the hiftory of the Convention at Edinburgh. Its Members copied into their own proceedings all the leading features of the French Convention; they even adopted its language; they had continually in their mouths, that favourite phrafe organization; they talked of their divifions, their fections, their Committees of Finance, the honours of the fitting, &c. In every thing they fhowed their determination to adopt the French model, not as a temporary, but as a permanent rule of practice. Upon that foundation they were evidently defirous to build, and there can be no doubt that their ambition went too near the fame fuperftructure. They aimed to bring about fomething to reprefent every defcription of the community, and every corner of the land. And why were they fo warm in commanding, and fo eager to bring about fuch a Convention? Becaufe this, as they themfelves ftated, was the precife mode by which France had effected its revolution: nay, they went fo far as to appoint a Committee of Emergency, who, in cafe the Legiflature fhould attempt to pafs certain acts, were to meet for the purpofe of refifting them. After this Edinburgh Convention had been difperfed by the vigilance of the Magiftrates there, this very refolution, breathing defiance to the Legiflature, was adopted by a Society in town, who appointed a Committee of Obfervation to meet form day to day during the feffion, and watch over the proceedings of Parliament. I had formerly occafion to refer to various refolutions of thefe Societies. Whatever variations there might be in the phrafes which they feverally adopted, there can be no ground of hefitation, either as to the objects which they had in view, or the means by which thefe were to be accomplifhed. The difcuffion about phrafes can only be material fo far as it tends to point out the parties, and to mark their characters, to afcertain whether the

one party are possessed of more art to disguise their purposes, or whether they really shrunk back with horror from what the others did not scruple to avow. The design of holding a Convention was not only avowed, but acted upon. It is proved that circular letters for this object were written by the Corresponding Society, were actually sent and received by different Societies in the country. And what is still more worthy of attention, exactly the same system was at the same time pursued in Scotland. In both cases too the same means were adopted, the recommendation of a Secret Committee, who were to concert the place of meeting, and other particulars. To such an extent has this system been acted upon, and to such ends was it directed. If any thing is wanting to the proof of which we are already in possession, we have only to refer, as the most full confirmation that could possibly have been obtained, to the disclaimer subsequently published by the Corresponding Society. They there avow the design of holding a Convention, but the object of that Convention, they say, was not to assume the Legislative Powers, but only to point out how representatives ought to be chosen. It can be of little consequence to the Members of this House, whether the object of such a Convention would be to arrogate their functions, or to prescribe the mode of their election. In either case it would equally be a supercession of the powers of Parliament, and indicate a contempt and defiance of their authority. The sort of language adopted by those Societies will be perfectly understood by those who have read that publication of Barrere, to which I formerly referred. In that publication he talks of creating and moulding the public will, of following it only so far as to give it the direction which you would wish with more certainty. In short, little doubt can, I think, be entertained, that if the proposed Convention had been called and allowed to carry their objects into effect, they would not have stopt short of assuming to themselves every power, legislative and executive. I have not thought it necessary in the first instance, in consequence of the documents with which you are already provided, to enter into the detail of facts: if any gentleman, however, be disposed to dispute any of my positions, I profess myself perfectly ready to enter into a more particular discussion. I shall now only detain your attention for one moment. The design of holding a Convention, and the objects which such a measure had in view, are, I think, now proved beyond all possibility of dispute; such a design, I affirm, could never have been thought of, without the idea of having recourse to force and violence. Extravagant and absurd as I admit those Societies to be, I never can ascribe to them a scheme so extravagant and absurd, as that of effecting their objects

ſimply by pacific means. Aiming at the entire ſubverſion of the Conſtitution, how could they expect to arrive at their end, except every branch of it was quietly diſpoſed to ſurrender its rights and privileges? Indeed the expreſs proof of their intention of having recourſe to arms is not leſs diſtinct, than that of their holding a Convention. I am more particularly inclined to inſiſt upon this point, when I recollect the expreſſions that dropped from gentlemen of a reſpectable character, and who have a deep ſtake in the country, that if the ſmalleſt traces ſhould appear of an intention of any party to have recourſe to arms, their objections to the ſuſpenſion of the Habeas Corpus act would vaniſh. We are now called to witneſs ſuch an intention not merely in its infancy, but extended in its effects, and apparently carried on in concert in different parts of the country. Such an intention we find accompanied not only with expreſſions of the utmoſt violence, but in the northern part of the kingdom ready to burſt forth into action, when moſt fortunately the diſcovery took place. Such being the caſe, no heſitation, I think, can be entertained by any Member with reſpect to the conduct which he ought to purſue: if there yet, however, remains any ſuch heſitation, it can only proceed from a doubt of thoſe documents which have been laid before the Houſe. I augur, however, well from the ſolicitude which gentlemen have ſhewn in the firſt inſtance to diſtinguiſh themſelves from thoſe who, under the pretence of a parliamentary reform, would introduce a tyranny worſe than that of Caligula, and I flatter myſelf that the preſent addreſs will receive their unanimous concurrence.

Mr. LAMBTON claimed the attention of the Houſe, as conceiving himſelf alluded to in an obſervation which had fallen from the right honourable gentleman who ſpoke laſt. He had ſaid that he expected ſupport from thoſe who had declared their readineſs to afford that ſupport, provided that they had any proof of the diſtribution of arms. For himſelf, he had never promiſed his ſupport upon thoſe terms preciſely: but that he was ready to give his ſupport, if they could produce the diſtribution of arms to any dangerous amount; and this promiſe he was ready to fulfil, whenever ſuch a fact ſhould be clearly made out. For his part, he was a warm friend to inveſtigation, as leading to the diſcovery of the truth. For this reaſon it was, that laſt year he had ſeconded the motion made for the appointment of a Committee to enquire into the exiſtence and cauſes of thoſe riots and diſcontents, which were ſuppoſed to have exiſted throughout the country, and which were made the pretext of calling out the militia. When the firſt Report, brought up from the Secret Committee, was preſented, he oppoſed the ſuſpenſion of the

Habeas Corpus grounded thereon, because he conceived the Report did not justify so strong and violent a measure. He was sorry to say, that in like manner he felt himself equally under the necessity of opposing the address now proposed, because he could not conceive that the second Report, any more than the first, could justify the proceedings attempted to be founded upon it. He was certainly ready to admit, that in the second Report, there was something like an appearance of sedition; nay there were some acts stated, which, if true, approached very nearly to what might be termed treasonable. But he could not be brought to approve of the mode in which these several statements were printed; he could not think the mode of printing certain words and passages in capitals and italics altogether fair, as not trusting altogether to the cool and unbiassed judgment in its decision, but endeavouring to influence the passions, by pointing out partial views, in which to examine the subject. Upon a similar mode of proceeding it was that Algernon Sydney replied to the infamous Judge before whom he was tried, "that if quotations were suffered to be so mangled and disguised to answer party purposes, he would prove, from the bible itself, that there was no God." Thus it was in the present instance; this method of partial printing might tend to influence the minds, if not of that House, perhaps of those Courts of Justice before whom the present objects of prosecution were about to appear. When he looked at the present Report, garbled as it was, he confessed, he could not but feel an inclination to see how a Report thus conducted would appear, of the proceedings of a Society, in which the right honourable gentleman opposite to him (Mr. Pitt,) took so active a part; or another Society, the York Association, of which his friend, the Rev. Mr. Wyvil, was so conspicuous a Member; or he should like to see the letter written by his Grace the Duke of Richmond so garbled; and he had no doubt but that in them would be found expressions equally strong, if not equally treasonable, as those of the present day. There was likewise another publication which he had by accident laid his hands on, he meant the address to the people of England, by Mr. Northcote, in which he read passages that alluded to three or four royal robbers, who considered blows as sometimes better than words, and others of a like tendency. In the late Administration of Lord North, such a garbling of testimony upon any subject would neither have been attempted or borne; in those days men were made of sterner stuff. With respect to the facts themselves, as stated in the Report, upon which the present motion was grounded, he could not avoid indulging a few comments. In the very beginning of the Report, the circumstances attending the supposed conspiracy, were stated to be ex-

travagant. If by this term it was meant to state them to be absurd and impossible, how could the Minister justify the suspension of the Habeas Corpus upon the supposition of danger? if, on the other hand, by the term, it was meant to call them wild and extravagant, whence arose the pains taken throughout the whole of the Report, to prove them regular and systematical? Another circumstance was worthy remark, while the Committee professed to be in possession of the origin of these conspiracies, how was it that they proceeded to state facts, which were of a recent date; or were they thus forced in, out of their natural order of time and place? The certain fact was, that it was supposed that few or none would have patience, or perseverance, to wade through the whole of the voluminous Report; it was therefore thought adviseable to drag a few strong facts forwards, out of their natural order of time and place, in order that they might satisfy such as were too indolent to read the whole. In the third page of the Report, the plan of providing arms for the purpose of enforcing their designs, was termed a general idea; yet directly after it was stated, that the matter was discussed only by a few, and that only when the general meetings were broken up, and a few select Members left behind. Upon the subject of procuring arms much had been said, and what were those arms? Not eighteen thousand, as might have been supposed, but eighteen pike-heads, ten battle-axes, and twenty blades, unfinished. The circumstance of coupling the Society of the Friends of the People with the other Societies, met also with his severest reprehension, and could only be done with an insidious design of defaming them, and lessening them in the eyes of their countrymen. What charge was there attempted to be exhibited against them? Or of what use could they be possibly made in establishing the treasons supposed to exist? If it was said that those letters were found upon Mr. Skirving, then he demanded to know why the whole of them were not published, and why they should thus by omission garble them to answer a particular purpose. If rebellion were to rear its head to-morrow, where could it be supposed the Members of that Society would rally but round the Constitution. It might be said, that a slight scratch might cover the body with sores; but he was confident, there was no danger to be apprehended from the inoculation in this country of French principles. He maintained, that from the very terms in which the Report of the Committee was conveyed, he was justified in saying, that they were so absurd and contradictory that no Court of Justice could possibly pronounce any sentence inferring criminality on the Members of the Societies now calumniated and accused.

Mr. Serjeant WATSON rose, for the purpose of exculpating ly.

Courts of Juſtice from what he conceived to be a calumny thrown upon them by the honourable gentleman; for in contradiction to the aſſertion he had made, he would take upon himſelf to declare, that no Engliſh Court or Jury could ever entertain any doubt as to the propriety of convicting any man who was implicated in ſuch practices as thoſe imputed to the men who were named in the Report of the Committee. He ſtrenuouſly defended the conduct of Adminiſtration, and gave his hearty aſſent to the motion, conſcious that the proceedings of the times required the meaſures that had been purſued.

Mr. M. ROBINSON ſaid, he was willing to give every degree of credit to the Report of the Committee which it merited, but he really did not think that the buſineſs of the arms had been at all clearly made out; and although he confeſſed himſelf an alarmiſt, yet he thought it unfair that inſtances to prove the diſſatisfaction of England, ſhould be brought from Scotland.

Sir WATKIN LEWES declared, that he had never made up his mind upon the propriety of the meaſures purſued by the Miniſter, until the laſt Report of the Secret Committee; but that was ſo ſtrong as to render him, along with others, an alarmiſt, and he was now only ſurpriſed Adminiſtration did not take thoſe ſtrong ſteps ſooner. He had been, and ſtill was, a partizan of a parliamentary reform; but he ſaw matter enough on the Reports to juſtify him in giving his vote for the Addreſs.

Mr. Alderman NEWNHAM juſtified his conduct in voting with Adminiſtration. He congratulated himſelf upon the ſpirit of prophecy with which he had ſpoken at the commencement of the ſeſſion; he had early foreſeen the miſchiefs which had taken place in the country; and ſpoke his opinion of them, without any reference to either ſide of the Houſe.

Mr. MARTIN ſaid, that he had ever been taught to entertain the higheſt veneration for the principles of the conſtitution; but he had not before known, that there was any thing unconſtitutional, far leſs treaſonable, in a ſubject of this country keeping arms in his poſſeſſion for his own defence; and he ſaw nothing in the Report, on the ſubject of arms, that warranted any thing farther than that ſome perſons had provided themſelves with arms for their defence, in caſe their rights, property, or lives, might be attacked by any others. He might be miſtaken; but that was his opinion.

Mr. BURDON was of opinion, that the heart of the country was ſound; yet were we not free from all danger; we were not then to wait till ſome miſchief had been incurred, before we made any attempts to check it. The Report itſelf was well written, and

had his warm ſupport and admiration. He had been in hopes, after hearing the firſt Report, and ſtill more after the ſecond, that ſome ſtronger meaſures would have been adopted by His Majeſty's Miniſters, particularly at this period of the ſeſſion; or that Parliament would have been kept together, in caſe of any thing dangerous happening during the time that he now found they were to be prorogued.

Mr. FOX ſaid he ſhould have conſidered the Addreſs with more ſatisfaction, if he had been perſuaded that the effects of it on the perſons who were its declared objects would be ſuch as gentlemen who ſupported it ſeemed to expect. With regard to thoſe perſons, who had formed themſelves into aſſociations, with views more or leſs laudable, as far as their views were to be judged of from their original profeſſions, it could not be ſuſpected that he had any partiality to influence his opinion. Partiality could be derived only from general concurrence of ſentiment, favour ſhewn, or ſupport received. These perſons, among many other important inſtances of ſignalizing themſelves, had always been ſignalized as his perſonal and political enemies: they were alſo, the greater part of them, the very perſons who had ſupported that ſyſtem of power againſt which he had always contended—they were the perſons who had at all times, till very lately, ſupported the preſent Miniſter; who had lent their utmoſt aid to bring him into power; and who, by their preſent conduct in oppoſition to him, contributed more to promote his meaſures than by their former ſupport. But in the diſcuſſion of public queſtions, much as he regretted when it was his misfortune to differ from thoſe with whom he lived in habits of intimacy, or generally agreed on conſtitutional principles, he was not to be governed by perſonal feelings or political kindneſs. He was not now to debate whether or not there were ſome perſons who entertained principles and favoured deſigns hoſtile to the eſtabliſhed Government of the country. At all times there had been ſuch perſons, and ever would be under any poſſible ſyſtem. Was it not notorious that during the reigns of the two firſt Princes of the Houſe of Brunſwick, there exiſted, not a few inconſiderable perſons, but a party of great weight and influence from numbers, rank, property and character, not merely entertaining, but actively proſecuting deſigns hoſtile to the Proteſtant ſucceſſion as eſtabliſhed in that Houſe? But were the beſt bulwarks of the Conſtitution, and the moſt valuable defences of our rights ſuſpended on that account? No, the good ſenſe of the people at large, and their attachment to a ſyſtem the practical effect of which they felt to be the promoting of their happineſs, rendered fruitleſs the ſyſtematic hoſtility of that party. On the decline of that party, by whatever name it might be called, other diſaffected

persons, with the same or perhaps other views, naturally arose. Now this new party acted in 1784, it was unnecessary for him to mention. Gentlemen could not but know that the system of vilifying Parliament so successfully pursued at that period must have produced a very great effect, and perhaps been the immediate cause of all those proceedings which they were now called upon to repress by such extraordinary measures. The question to be debated was not the existence of disaffected persons, but whether what they did was sufficient to call for or warrant a departure from the ordinary course of administering the Government. Were not the laws against seditious or treasonable practices in full force; and was not the general disposition of the people loyal and zealous to support the Constitution? What more was necessary? As the French by their abuse of liberty had brought liberty itself into disrepute, he warned the House against the fatal error, of bringing the Constitution into contempt with the people, by teaching them, that it was unfit to meet any emergency, that it possessed not vigour to oppose the least attack, that held forth the semblance and not the substance of protection. In discussing questions of war or alliances, they were told that it was the prerogative of the Crown to declare war and conclude treaties, and that Parliament was not to interfere with the exercise of that prerogative, but to punish Ministers in case they abused it. Was it not equally the prerogative and the duty of the Crown to punish all attempts against the Constitution by the regular course of law, and the province of Parliament to animadvert on Ministers if they neglected or betrayed that duty? No reason could be alledged for deviating from the ordinary mode in the one case more than in the other. Why then were they called upon to take the lead and give a previous sanction to measures, which it was their duty only to superintend? What, after all, was expected from their address? Professions of loyalty. Surely, surely, the House of Commons had better means of manifesting their loyalty than by professions. Professions they had already given in abundance, and they were now to give no material advice; they were only called upon to witness facts, to affirm their belief of the existence of a conspiracy, which were already in issue on the trials of the persons committed as accomplices in that conspiracy. The papers in the Report on which the address was founded, were many of them the composition of Ministers; of the authenticity of such papers, neither the House nor the Secret Committee had any knowledge of their own; and they might all be as false as the charges upon which Mr. Walker of Manchester was brought to trial. The effect of the address could only be to [illegible] the opinion of the House that the Constitution was in danger.

He had flattered himſelf that the day on which they had voted thanks for a great and glorious victory atchieved by the united zeal and valour of every officer and ſeaman in our fleet, would not have been choſen as the day to ſound alarm. That victory, he truſted, would have baniſhed every idea of invaſion from the enemy, the only circumſtance that could give colour to danger from diſaffected perſons at home; and he had hoped that Lord Howe had not only conquered the French fleet, but reconquered the Habeas Corpus act. But although the cauſe of alarm was gone, the effect ſtill remained. What were the numbers of thoſe perſons from whom ſo much was dreaded, and what their quantity of arms even as ſtated in the Report? Too inſignificant ſurely to act by open force. But they talked of a Convention: what was the magical influence of this word, that if any ſet of people were to meet and call themſelves a Convention the whole nation muſt be undone? Were they to form their Convention, and attempt to exerciſe any authority contrary to law, the neareſt Juſtice of Peace, he was fully convinced, as he had ſtated in a former debate, might eaſily diſperſe them. Their converſations about arms too it appeared were all private. They were not held in their public meetings, but by a few perſons after the other Members were gone. They did not venture to truſt the ſecret of providing arms even with thoſe whom they expected to uſe them. Between the former ſtate of France and the ſtate of this country, there was as little reſemblance as between what had happened there and what was apprehended here. There was not in this country that wide ſeparation of rich and poor, without any intermediate claſs, which too generally prevailed in France. The revolution in France was not begun by the lower and inconſiderable orders of people. It was an aſſembly, uniting in it much of the rank and property, and perhaps the greater part of the talents of the kingdrm, that commenced the French revolution and overturned the ancient Government. Such men as compoſed ſome of the dreaded Societies in this country, had riſen to power in the progreſs of that revolution, but they were utterly incapable of beginning it. He was glad to find that more ſtreſs was laid in the Report on what had been diſcovered in Scotland, than on the diſcoveries made in England; both on account of the natural predilection which every man felt for the part of the country in which he happened to be born, and becauſe it was a complete anſwer to the deſperate propoſition with which the Houſe had been threatened, of introducing the Scotch law into England. Under the mild ſyſtem of Engliſh law, ſo effectual had experience proved it to be, ſedition was hardly to be found; under the rigorous ſyſtem of Scotch law, ſtill exiſting

in full force, sedition had grown up to rebellion. Such was the fair inference from the Report; and the converse of the argument might be also true. The rigour of the Scotch law might have tended to raise sedition. Might not there be many men in Scotland who, like himself, would feel but little interested in preserving a system of Government under which they should be exposed to such treatment as appeared in the cases of Muir and Palmer? In such discussions as were necessarily occasioned by the late proceedings in Parliament there might be much mischief. In attachment to the Constitution, he would not yield to any man; but he was attached to the substance and vital spirit, not merely to the form. The substance and vital spirit was political freedom. A Convention and resistance to the form in favour of the spirit of the Constitution had rescued our ancestors from impending slavery, and seated the House of Brunswick on the Throne. It was the right of the people to meet, it was their right to discuss either their private or political affairs. These rights were sacred and essential to freedom. If they were invaded and suppressed, the Constitution might be reduced without a struggle to a level with those of other countries, which perhaps once resembled our own, and of which the forms had not long survived the substance. He was therefore sorry when he saw the people called from that attention which they ought always to pay to the Administration of their Government, to alarms for the existence of their Government itself; and he now believed the old faction he had mentioned in a former debate, which, by whatever name, had uniformly pursued the same plan of throwing all power into the hands of the Crown, to be spreading a false alarm of danger from one quarter to cover a real danger from another. A case might be supposed in which it would be the duty of the people, assembled by their delegates in Convention, to call upon Parliament to do what Parliament would not do of itself. Was it not then the height of madness to blunt the weapons and discredit the means to which we must resort in such an emergency? He would not quote the resistance made to King James as an example to prove that the Prince on the Throne might at any time be resisted. How then, it would be asked, was the obedience of the disaffected to be secured? The law had provided for the punishment of the disaffected, whenever disaffection appeared in their acts. This was the proper means of prevention; and the true answer to all that had been said about suffering the mischief to grow to a head. To put the law in force, was it necessary for the House to declare that they believed in the existence of a conspiracy against the Government on evidence which they should have been ashamed to listen to? At the Lancaster assizes, Mr. Walker, and

other persons, were charged with a conspiracy, which if true, would have amounted to treason. The evidence, it was feared, would not be sufficient to make out the charge of treason; but on the principle adopted under some of the Stuarts, it was thought that it might be sufficient for a charge of a less heinous nature, and they were indicted for sedition. The only witness, when he came to be examined, was such a witness that the Counsel for the prosecution themselves were ashamed of him, and the defendants were honourably acquitted. But had Parliament before that trial declared their belief in the conspiracy with which those gentlemen were charged, a Jury, prejudiced and misled by such a declaration, might have found a verdict of guilty, on the testimony of a witness, who, in the common course of law, was held to be unworthy of any credit. Much horror and remorse, he conceived, must those who advised the prosecution, have felt in such a case; and although they might have obtained a remission of the sentence, they could not have repaired the injury done to the defendants. For these reasons he objected to that part of the address which declared the belief of the House in the conspiracy, and should move to leave it out. He objected also to the declarations of loyalty as unnecessary, but should not vote against them. There was an argument to which he should not attempt an answer, viz. that the second Report from the Secret Committee being stronger than the first, the second, by the rule of three, would justify a stronger measure; and the suspension of the Habeas Corpus having been voted on the first, there could be no objection to voting an address, something less strong, upon the second. This mode of reasoning, though very disputable in logic, was conclusive in numbers, and therefore he should not divide the House on his amendment. The party who now governed France had usurped their power and still maintained it, by the alarm of numerous Royalists in the country, an alarm as false as the alarm of numerous Republicans in England.

The principle in both cases was the same. By propagating the alarm of Republicans here, Ministers obtained powers that would not have been granted, and drew around them the support of persons who would not have voted for their measures under any other circumstances. He saw things in both countries with vulgar optics; in England a general and steady spirit of Royalty, from a sense of the blessings derived from a limited monarchy; and in France, a general and desperate spirit of Republicanism, from a recollection of the oppression suffered under despotism. Ministers, to gain supporters in carrying on the war, wished to reverse the picture, and make the House believe that France was full of Royalists,

and England of Republicans. If this alarm were not kept up, the people would attend to the policy and the conduct of the war; they might even think that the war ought not to be persisted in, or if we could not get out of it, that it ought to be directed by abler hands. From all these considerations, it was the interest of our Ministers to divert them as long as possible. Were there among the persons from whom danger was apprehended, any considerable number of men of rank or property? was it pretended in the Report that they had since the war any correspondence with the French; were they connected with any faction in the state? If they were to burst into the House of Commons, it would be indifferent to them, whether they turned to the right or to the left, whether Ministers or Opposition were their first victims. Such men might possibly rise in a revolution, but could never create one. In the advice he now gave he must be admitted to be disinterested, for it would hardly be imagined that he should wish to go to the guillotine, merely for the sake of being accompanied by the gentlemen over against him. The prosecutions ought to proceed, because they had commenced; but it was not therefore necessary that Parliament, as had been suggested, should be kept sitting, to echo back the information received from the Privy Council. Rash, and even seditious conversation, he supposed would be proved; but he trusted no man would be found so far to have forgotten his duty to his country as to have embarked in treason. At all events the trials would be conducted, and the punishments awarded with the dignity and humanity of British justice; and the examples, in his opinion, strike with greater force without any previous declaration by Parliament. In countries where to take off a few individuals might overturn the Government, a few individuals, however obscure, might effect a Revolution; but in such a country as this, where the Revolution must be popular to have the most distant chance of success, nothing could be more irrational than the attempt. Suppose such persons mad enough to attempt it, the danger would be contemptible to all but themselves, and they might be pronounced fitter for Bedlam than for Newgate. This argument, however, applied only to the present time; for if Ministers were to persist in this ruinous war, if the exploded maxims of divine right were to be revived, if the dearest parts of the Constitution were to give way one after another to the convenience or caprice of the Government of the day, the situation of the people would become so desperate, that the most despicable faction might provoke a revolution. What then did he recommend? To study the peace and prosperity of the people; to hold out to them, not the unsubstantial theory, but the practical benefits of the Constitution;

to shew them that liberty was as consistent with order, as order with liberty, and that the Constitution, with all its restrictions on the Executive Power, the most valuable part of it, in his opinion, was sufficient for all the purposes of just subordination. With disaffected persons he proposed no compromise. He was not so wild a speculatist, as to believe that any Government could satisfy every one of those who lived under it; his advice was only to render the number of the discontented as small as possible, by removing as many as possible of the causes of discontent. Let all civil distinctions on account of religious opinions be abolished, and dissenters and churchmen find equal protection and equal encouragement. Let the rights of neutral nations be respected, more especially the rights of America, so intimately connected with us by common language and common interest—

" *Ut ameris, amabilis esto.*"

A sound maxim in philosophy, though used by the Poet on a slight occasion. He concluded with moving, as an amendment, to leave out all the part of the address which declares the belief of the House in a conspiracy against the Constitution.

Sir W. DOLBEN said, he did not intend to speak on this subject; but after what had been said by the right honourable gentleman who spoke last, he could not help giving his negative to the amendment, because if it was left out, their proceedings would be as ridiculous and absurd as the right honourable gentleman himself wished that House to believe them to be. He looked upon this as a conspiracy of so deep and dangerous a nature, that it was proper for Government to interfere. He was not one of those who believed there were no Republicans in this country. He expressed his fears and apprehensions, and said, that those who did not fear in common with the rest of His Majesty's subjects, must have something to hope, which they did not hope in common with him. He observed, that if an address was sent from the Lords to the Commons, they would not insult them by proposing such an omission. If they proceeded in a different manner, and altered the address they proposed, we should have a passive, obedient King, non-resisting Lords, and a rampant Republican House of Commons. It had been said, only 3 or 4000 daggers were ordered to be prepared. How many would they have? Would they have 40,000? He was decidedly against the amendment.

The ATTORNEY GENERAL said, that although the speech of the right honourable gentleman opposite to him contained a great variety of matter, and a considerable share of ingenuity, yet very

few of his arguments appeared to call for a reply: there was, however, one point which he could not avoid noticing; which was that by agreeing to the present address, the House would make itself a witness against those persons who were to take their trial upon charges of a very serious nature. If this assertion were true, it certainly would be a very good argument; but there appeared to him not the smallest foundation for it. Would the right honourable gentleman contend, that because certain persons were under a state of prosecution for certain offences, the House of Commons ought not to return an answer to information communicated to them by His Majesty, more especially when that information was of a nature that concerned the dearest interests of the State? Were there not cases in which the House of Commons more directly interfered in prosecutions, without being supposed to throw any improper bias upon the proceedings? It happened in a variety of instances, that the House of Commons addressed His Majesty to prosecute an individual; and yet it never was asserted that the individual so prosecuted did not meet with a fair trial. There was some other parts of the right honourable gentleman's speech which appeared to him very extraordinary: in speaking of the principles of some of those societies, he said, some are laudable, and others not quite so; but it should be recollected, that those principles which the right honourable gentleman described by the gentle phrase of being not quite laudable, are principles which tend to the destruction of the whole Government of England. Another argument of the right honourable gentleman's was, that the people had a right to meet for the purpose of obtaining a redress of their grievances; and in support of this proposition an allusion was made to the Revolution in 1688. Before the House adopted this mode of reasoning, he wished them to consider the length to which it might be carried. There sometimes happened in States, moments of such real emergency (such as at the Revolution in 1688) when the extraordinary powers of the people might be put into action; but because such awful and alarming periods might sometimes occur, would any rational man say, that those powers should be always in action? To compare the Revolution of 1688 with the plans of the societies of the present day, was to slander and degrade the former. He called upon the gentlemen on the other side of the House to point out one single principle which was adopted in common by the persons who conducted the Revolution of 1688, and the modern Reformers. The one was anxious to preserve the Constitution, to fix the prerogative of the Crown, and to assert the privileges of the People—while the other wished to subvert the Constitution, to destroy the Monarch,

and, under the name of Liberty, to tyrannize over the People. The Habeas-Corpus Act remains in full force, except as to those who were accused of high treason, or suspected of treasonable practices. It had been asked had not the people of England a right to meet to discuss their rights, &c. He conceived if a number of people were to meet on Hounslow Heath to dethrone the King, he had no difficulty in saying it would be *high treason*. No man would read these papers with attention, who would not clearly see, that every man in this country was deeply concerned in having this conspiracy suppressed. There was one argument which the right honourable gentleman had used, which he did not mean to reply to, for the most obvious reason possible, viz. because he was not able—The right honourable gentleman having passed some very high and very deserved eulogiums upon Lord Howe, says, *ergo* we ought not to vote for the proposed address. Such a conclusion from such premises, such an extraordinary piece of logic, he believed, never was heard in that House before, and set all answer at defiance.

The Attorney General then adverted to the Report, and cited a variety of passages, tending to prove the wicked and seditious designs which were imputed to several of the societies, and called upon any gentleman to prove, that, professing such principles, they were not objects of danger. Before he sat down he begged to say a few words, as a kind of complaint of the treatment which he, in his official capacity, experienced. If he prosecuted any person whom he thought guilty of a crime against the State, what was the consequence? Why, one of these societies, not the Friends of the People, but the Friends of the Liberty of the Press, immediately voted their thanks to the counsel for the defendant, and avowed all the doctrines which he had advanced in the course of the trial.—If, on the other hand, he declined prosecuting, he would be justly liable to censure for a neglect of his duty. Gentlemen did not seem to recollect, that while they thwarted him, they were palsying the execution of those laws which they contended were equal to any emergency. He forbore to enter more into detail upon the evidence in the Report, for reasons that must be obvious to the House: he should therefore conclude with giving his hearty assent to the motion.

Mr. THOMPSON defended the general conduct of the Society for Constitutional Information, and called upon any person present to point out in their proceedings any thing like sedition or treason. He wished to know from Ministers, with regard to a letter Mr. Frost had been ordered to draw up by the society, if they were in possession of the original, or if they had not produced, as the hand-writing

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of Mr. Froſt, the mutilated extract of a mutilated extract, of a mutilated copy, as the hand-writing, and original of Mr. Froſt, which he denied in the ſtrongeſt terms before the Privy Council. He fully vindicated his own conduct with regard to the ſociety in all its proceedings.

Mr. DENT ſaid, that from what lay before the Houſe, little doubt could now be entertained of the reality of the views and deſigns of thoſe ſocieties. Could any man for a ſingle moment withhold his aſſent from the addreſs, which had for its object the ſuppreſſing the ſeeds of inſurrection, and cruſhing it in its birth. Mr. Dent here read a letter from the Correſponding Society of London to the French Convention, and then appealed to the good ſenſe of gentlemen, whether or not they found it incumbent on them to give their full and needful ſupport to the Conſtitution of their country, at a time when their country demanded it. Under ſuch an impreſſion he would, he ſaid, ſupport it to the extent of his power and ability, and give his decided vote for the addreſs.

Mr. LOVEDEN ſtated, that he was conſcious very improper proceedings were practiſed by the London Societies and their emiſſaries, he had juſt come from a diſtant part of the country, where there was a camp, one of thoſe emiſſaries, who had been diſtributing very improper and inflammatory hand-bills, ſaid he knew very well how far he could go without being in danger, for he had been inſtructed; and, on the King's birth-day, ſaid, it was the laſt time they would have to drink his health in that way, and ſhewing a piece of coin, ſaid, (pointing to the King's head) that it would not long be there—he had been a waiter at the Crown and Anchor.

Mr. THOMPSON obſerved, that his being a waiter at the Crown and Anchor did not connect him with the Society for Conſtitutional Information. It was to be recollected that Reeves's Aſſociation was held at the Crown and Anchor, and the waiter might as juſtly be connected with it.

Mr. WARTON ſaid, he would not withhold his ſupport from the Conſtitution whenever the occaſion called for it. In the preſent hour he thought it ſtood in need of that ſupport, and as ſuch he would moſt ſincerely give it. He defended the principles of the Conſtitutional Society, to which he ſaid he had belonged, as long as thoſe principles were founded on the ſpirit of freedom, and the good order of civil ſociety. And ſuch were the principles which to him ſeemed to actuate them in their aggregate body. But when he had heard of the conduct of individuals in that ſociety, who led away, firſt themſelves, by miſtaken views, and then engaged in plans for the deluſion of others, he could not but reprobate, in the

highest degree, the system of destruction which was levelled at the peace and order, and consequent happiness, of man. He entered into a justification of his conduct with regard to the public part he had taken in the Constitutional Society, at which time he conceived they only met for convivial purposes. He had been at only one meeting, and there he was sure nothing wrong nor unconstitutional had appeared in their proceedings, otherwise he would have objected to it at the time. In justice to many individuals who belonged to the society, he desired to say that he had the highest respect for their characters, and a good opinion of their intentions; but, under all the facts which now appeared, he was led to take that part which a becoming regard to the Constitution of his country, in the hour of danger, demanded; and, therefore, he concurred in the address.

The question was then put, and the address carried without a division.

The House adjourned at half past eleven.

Tuesday, 17th June.

Sir WATKIN LEWES brought up a bill to regulate the Militia of the city of London; upon which a conversation arose between him, Mr. Sheridan, and Alderman Newnham, when it was read a first time, and ordered to be printed.

Mr. Chancellor PITT informed the House, that as the motion of which he had given notice yesterday (for thanks to the Managers of the Impeachment of Mr. Hastings), was, he unexpectedly found, likely to meet with opposition, he would postpone it to a day on which there might be a fuller House, and fixed on Thursday next for that purpose.—The House adjourned.

Wednesday, 18th June.

Mr. Chancellor PITT reported, that he had carried up the Address to His Majesty to the Lords. The House then proceeded to St. James's, accompanied by the Lords, with the Address to the King.—Adjourned.

Thursday, 19th June.

At four o'clock, there not being a sufficient number of Members to make a House, the Speaker adjourned till to-morrow.

Friday, 20th June.

The House in a Committee, Mr. Hobart in the Chair, went through the City Militia Bill, and made some amendments.

Mr. HOBART presented the Report, which was received, and the several amendments agreed to by the House.

Upon the question that this bill, with the amendments, be now engrossed,

Mr. SHERIDAN said, that he did not perceive any immediate necessity for hurrying the bill through the House in such a manner, as not even to give the citizens of London time to consider its effects. With regard to the particular clauses of the bill, he thought them highly objectionable, and such as the preamble did not warrant, which carried on the very face of the proceeding, something like deceit: for it set forth, that there were some defects in the present Militia; and in order to remedy such defects, the bill entirely destroyed the ancient constitutional force of the city. Their present force consisted of 9000 men, which, if properly managed, would be an effectual protection for the city; and in the room of this force, it is proposed, that there should be substituted two regiments of Militia, which were to be under the control of the King, and at the influence of the Crown, consisting but of 600 men each, which did not appear to him to be any improvement of its military force. He would therefore propose, that the farther consideration should be deferred to Monday next.

Sir JAMES SANDERSON said, that all possible means were used to render the defence of the city, by raising a Militia by the former law, practicable, but without effect; and he stated, that it was the sense of the city at large, as well as his own firm conviction, that the city was safer with an actual defence of six hundred disciplined men, than they could be with the armed multitude alluded to by the honourable gentleman, under all the disadvantages and difficulties of raising them under the old regulation, if they could be raised at all, which he thought not at all likely.

Sir WATKIN LEWES defended the measure, and contended, that the old force of the city was of no use whatever, nor ever had been.

Alderman CURTIS followed on the same ground.

Mr. FRANCIS thought the measure an unnecessary one; at all events, that it should have time for fair consideration.

Mr. Alderman ANDERSON supported the bill.

Mr. SHERIDAN contended, that this bill was nothing less than a bill of pains and penalties on the city of London, for their refusal to concur in the plan of benevolence; he thought that the three worthy Aldermen who represented the city, and made so pusillanimous a surrender of its rights, would not have the honour of again being appointed the guardians of its interests in that House, when

the true nature and force of the bill came to be underſtood. He thought this meaſure one of the moſt daring which had been brought forward during this ſeſſion, and was a continuation of the ſyſtem of Miniſters to introduce a military Government into this country, in place of its natural and conſtitutional force. He was ſurpriſed to hear from the honourable gentlemen, that the preſent military was of no ſervice, nor that it never had been: he had forgot the ſervices they rendered the country in the times of Charles I. particularly at the ſiege of Glouceſter; the worthy Alderman (Sir Watkin Lewes) himſelf was alſo a great military Commander, and had on a former occaſion received thanks for his conduct; to be ſure he could not compare him to Prince Cobourg, or the late King of Pruſſia; and it was true, he might want the military air of his honourable friend near him (Colonel Cawthorne) but he might nevertheleſs poſſeſs talents ſufficient to improve the preſent force of the city, and not lend his hand to deſtroy it.

Mr. DUNDAS repelled the charge againſt the Adminiſtration: he ſtated the meaſure had firſt originated with the city, who, as well as the other parts of the kingdom, diſcovered the advantage a ſmall well-regulated force had over a large undiſciplined maſs. If the real rights of the citizens of London were invaded, they poſſeſſed ſpirit enough to aſſert them, and did not require the voice of the honourable gentleman to rouſe them in ſuch a cauſe.

Mr. Alderman NEWNHAM explained to the Houſe, that the whole proceeding was with the concurrence of the city, and that there was at that moment, a Committee of the Common Council in the gallery, appointed to obſerve the proceedings of the Houſe upon the bill.

The Houſe then divided, Ayes 70—Noes 12.

Mr. Chancellor PITT. On the preſent occaſion, I meant to have confined myſelf to a ſimple motion for thanks to the Managers of the Impeachment, who have now completed their taſk. I conſidered that, having diſcharged well that duty, to which they were appointed by this Houſe, they were at leaſt entitled to receive, at the concluſion of their labours, the expreſſions of its gratitude. But, underſtanding that ſome oppoſition is intended to be made to the motion, it may be proper for me, by way of anticipation, to conſider of what nature this oppoſition is to be, what are the motives from which it originates, and who are the parties from which it proceeds. And what I would firſt remark is, that it has always been cuſtomary for the Houſe, upon occaſions of this ſort, to return their thanks to thoſe Members, whom they appointed as Managers of an Impeachment: this, indeed, was the only reward which they

had in their power to beſtow. The queſtion, then, is, whether there is any thing in the circumſtances in this Impeachment, which ſhould induce the vote of thanks, ſanctioned by uniform practice, to be in the preſent inſtance withheld? By voting this Impeachment, the majority of the Houſe ſhewed that they were convinced of the importance of its object, to evince that regions, however diſtant, were equally an object of the care of the Government of this country; and that it was their determination to temper even the principles of Oriental deſpotiſm with the maxims of the Britiſh Conſtitution. I will not ſay that this Impeachment, to prevent abuſes on the part of thoſe intruſted with the powers of Government in diſtant regions, is more important than thoſe Impeachments, which have been at different times inſtituted at home to reſiſt the progreſs of innovation, and arreſt the ſtrides of arbitrary power. But I will ſay that this Houſe never appeared in a more dignified character, than in the preſent, of redreſſing the injuries even of the moſt diſtant regions, and diſpenſing equal juſtice to every part of the Britiſh dominions. When I conſider the magnitude of the taſk of the Managers appointed by this Houſe, and the extent of their labours, the comprehenſive mind, and the patient reſearch, which they were obliged to exerciſe, and the extenſive materials to which their attention was neceſſarily called, I ſhould have ſaid, that ſuch a taſk, ſo arduous in itſelf, and ſo difficult in its execution, afforded a ſufficient excuſe for any errors of the Managers, if any ſuch had occurred in the conduct of the Impeachment, but could not ſurely afford a reaſon why an approbation, which in all other caſes it had been cuſtomary to beſtow, ſhould, in the preſent inſtance, be withheld from their labours. No ground indeed could be aſſigned why approbation ſhould be withheld, except it could expreſsly be ſtated, that in conſequence of the conduct of Managers ſome failure had taken place, either in the general reſult, or in ſome particular paſſage of the Impeachment, which rendered them unworthy of the expreſſion of their applauſe and gratitude. There are ſome who may not have any particular ground of objection to the conduct of the Impeachment, who yet may be diſpoſed to cenſure the immenſe length to which it has been carried. To ſuch I would ſay, that the immenſe length of the Impeachment merely affords a preſumption againſt the Managers: I would aſk them whether the reaſons of this length to the proceedings may not be found, if they look to the nature of the charges, of the materials to be examined, of the evidence to be adduced? Why, indeed, is the privilege of Impeachment ſo valuable, but becauſe it applies to objects beyond the ſcope of common Courts of Judicature, and in circumſtances which could

not be regulated by the common modes of procedure. The objections then arising from the length of the Impeachment, will rather be found to constitute a merit on the part of the Managers. Besides, the general length of the proceedings, so far as the Managers are concerned, must be measured not by the duration of years, but of days and hours. And not only must this mode of estimating the time be adopted, but it must be asked, what part of these days and hours was consumed by the defendant? and how much of the whole space was consumed by the obstacles opposed to the Managers in the way of their duty?—Whoever looks to the accurate account of the causes of the delay of the Impeachment upon your table, will find that so many objections were started to the evidence, and that these so often failed, as may afford fair ground to conclude, that none of the evidence brought forward was irrelevant or improper. From the questions too, which in the course of the proceedings were agitated, it will appear, that the Managers had something more to attend to than even the care of the Impeachment, great and important as it was; they had to discuss questions connected with the rights of this House, and the usage and practice of Parliament, which they could not abandon without giving up their duty, and shrinking from the trust reposed in them. Upon these grounds, I must consider the length of time which has been occupied in the Impeachment, as not forming the smallest objection to the conduct of the Managers. Is any one prepared to state, that after having looked into all the records, which they must have found it necessary to examine, he should have been able to have found a shorter way of conducting the business; I must own, that in this respect I should be much more disposed to rest upon the discretion of the Managers, than upon the light and cursory decision of any individual. But should any one now suggest that he could have found a shorter way of managing the business, the objection, I must now inform him, comes too late. It would have been more consistent with that regard which he owed to the dignity of the House, that he should have interfered during the course of the Impeachment, for the purpose of correcting an evil, which, in order to be remedied, required only to be pointed out. In the present instance, if I can suppose such an individual, he has been guilty of two sorts of injustice, first to the Defendant, whose trial he has protracted; and secondly, to the Managers, to whom his silence carried the air of approbation. Under all these circumstances, I can see no possible ground of objection to the present motion; those who were of opinion, from the beginning, that the prosecution was a just and necessary one, cannot now object to its conclusion: those who were originally of a

contrary opinion, and adverse to the instituting any proceedings whatever, I appeal to their candour, whether, being in a minority throughout, they ought to expect the House to act in the sequel, as they wished in vain to persuade them to act at the commencement? Did they wish for the acquittal of Mr. Hastings? That was an event no longer in their hands, but resting in another place; how then could that operate, either as a motive or reason, for withholding the vote of thanks? It was certainly true, that such gentlemen as had uniformly, throughout the course of the trial, shewn themselves adverse to the Managers, could not add any thing to the *eclat* of the Managers, by joining in the vote of thanks: on the contrary, their dissent would prove it not a business of course, but rather of discrimination; still, however, I cannot help expressing a wish, that on this, as on another occasion, hereafter to be submitted, (the vote of thanks to Lord Hood) the vote of thanks may be unanimous. The Chancellor of the Exchequer concluded with moving, That the thanks of that House be given to the Managers, appointed by them, to conduct the prosecution against Warren Hastings, Esq. for their faithful management in the discharge of the important trust reposed in them.

Mr. DUNDAS seconded the motion.

Mr. SUMNER said, he could not avoid expressing his surprise, that a motion such as that he had just heard read, should be considered as a matter of course. He said, that he rose with considerable diffidence to oppose a motion which had been made by the right honourable gentleman, with whom it was generally his goood fortune to agree. The right honourable gentleman had supported the motion with all his talents and with all his influence, but he must add, he had not displayed any great degree of candour in the course of his speech, when he presupposed the objections which would be made from a certain description of gentlemen in that House, one of whom he had infinite pride and pleasure in declaring himself to be. Mr. Sumner said, he was happy to avow himself a very great admirer of Mr. Hastings; that he looked up to him with every sentiment of regard and affection; but his objections to the present motion arose from circumstances utterly independent of Mr. Hastings. The right honourable gentleman had said, that Mr. Hastings could not in any shape be affected now by any motion that could be made in this House; that the decision was before a competent Court, which could only determine by evidence. Admitting this to be the fact, as he did, still a vote of thanks was, in a certain degree, a vote of approbation of the Managers' conduct. Surely the period was too short for the House to determine upon the conduct of their

Managers. Seven years had the trial laſted, and it had been attended with circumſtances new and moſt extraordinary. It was true, that on former occaſions thanks had been voted, and as the Speaker had informed him from the chair, before the judgment was pronounced, but certainly not until the verdict was known. In this inſtance the thanks would be voted many months before the judgment; and though any thing that could be conſtrued into an approbation of the Commons, would not affect the judgment, there was an indecency in the proceedings which led him to oppoſe it in the firſt inſtance by the previous queſtion. Mr. Sumner ſaid, that if the time were not improper, he certainly would not oppoſe a vote of thanks to the Managers, one excepted, who had faithfully diſcharged the truſt impoſed on them, by ſupporting the ſpecific charges voted by the laſt Houſe of Commons. Mr. Sumner ſaid, that he retained the ſame opinion which he had ſo often profeſſed of the charges, which he thought to be ill founded; but it was the duty of the Managers to ſupport them, and he never would be ſo illiberal as to object to their receiving the thanks of that Houſe at a proper time, provided they could be given without their beſtowing their thanks at the ſame time on the leading Manager, who, he contended, had by his conduct diſgraced and degraded the Houſe of Commons, and had dared, in their name, to vilify every gentleman who had had the honour and good fortune to ſerve his country in India; including in his abuſe, all their connections of every deſcription, and applying the odious epithet gang to this body of men. The Speaker calling out order, Mr. Sumner ſaid, that if he could find more meaſured expreſſions to convey to the Houſe his ſenſe of the miſconduct of Mr. Burke, and of the diſgrace he had brought upon the Houſe, he would uſe them; but he would proceed to explain of what nature the Manager's conduct had been, in the hope that it would be as much reprobated by the Houſe, as he knew it was by all deſcriptions of perſons out of doors. The facts that he ſhould detail, the Members in general were ignorant of, for very few indeed had attended; and of all Members of the Houſe, the right honourable gentleman below him was the laſt man who was competent to decide on the conduct of the Managers, his various avocations making his abſence from the trial an act of neceſſity. He had too high an opinion of the Miniſter to think it poſſible for him to have made the motion before them, had he ever heard the leading Manager in Weſtminſter Hall. Mr. Sumner ſaid, in the light he viewed a vote of thanks, he could not poſſibly aſſent to it. Did the Houſe know that Mr. Burke had ſolemnly affirmed, that Captain Williams had murdered Raja Muſtapha Cawn with his own hands? He would

ask, what authority had the House given to Mr. Burke to make such a charge? Was it decent or honourable in the House to suffer such language to be uttered against any gentleman, and yet deny to him the means of defending himself? All that man could do was done by Captain Williams to bring this outrageous calumny to a fair trial; he petitioned the House upon it five years ago, the House would not bring a charge that he could reply to; and is the Manager to receive thanks for daring to charge an English gentleman with murder in a speech, and there to leave it? Is this British justice! The last House voted twenty articles of impeachment against Mr. Hastings; three were gone through in the last Parliament; Benares, the Begum, and the Presents. This House, by a formal vote, precluded the Managers from going into any other articles except the Contracts; and the prosecution was finally closed in the first session of this Parliament. Does the House know, that in contempt and defiance of this resolution, the Manager insisted on his right to go into the other articles, and expressly told the Lords, that the Commons had not abandoned them, nor ever would abandon any one of them? Will the House thank the Manager for this contempt of their authority? Does the House know, that the language used by the leading Manager to the Court was in the highest degree disgraceful? That he had the presumption to tell the Court, whether with a view to intimidation, or from the wilderness of the moment, that the Commons had not only prosecuted, but they had found Mr. Hastings guilty when they impeached him; that the Lords could not acquit him without proving the Legislature a liar! Is such language to be borne? Is this British justice? Will an English House of Commons approve of such sentiments? What is a solemn trial by impeachment but a mockery, a farce, if such language is not scouted by every man who hears it? The leading Manager finding the general sentiments of gentlemen who have served in India to be strongly in favour of Mr. Hastings, and, in order to invalidate the testimony of the witnesses, has attempted to blacken and to blast the character of every gentleman who has breathed the air of Asia. Was this universal abuse necessary in order to convict Mr. Hastings? Is the character and fame of every man to be torn in pieces without a hearing? Is this to be done by the authority of the House of Commons? Are they prepared to adopt at once the extravagant and indecorus substitution of the slang of Billingsgate for the strong energetic language of truth and justice? Will they confer on Mr. Hastings, by this vote, the minor titles of swindler, thief, rogue, sharper, cheat; or the more daring descriptions, tyrant, oppressor, and murderer? "I charge him," said the Mana-

ger, "as a tyrant, oppressor, and murderer in the largest sense of "the word." Does the House know, that though Mr. Burke was reprimanded for accusing Mr. Hastings of murder, he repeated the charge on the very next day, and again repeated it a few days ago, as he says himself, in the largest sense of the word? Instead of thanks, does he not deserve the resentment and the reprobation of the House? Has the House ever charged Mr. Hastings with murder? On the contrary, has it not reprimanded the Manager for using such foul language? In his last and closing speech he has dared to say, that he charged Mr. Hastings with murder in the largest sense of the word, and this at a period when he could make no new charge of any kind without a positive disobedience of the orders of the House. Shall we return him thanks for abusing so grossly the confidence which the House reposed in him? Did the House mean to impeach every man who had served his country in India when they put Mr. Hastings on his trial? The violence of the Manager had spared neither the dead nor the living. Hear, said Mr. Sumner, what he says in his closing speech: "This cruel tyrant, Hannay, a substitute for a still more cruel and bloody tyrant, Warren "Hastings. Hastings says to Hannay, you have sucked blood "enough for yourself, now suck blood for your neighbours." Does this House authorise such language? Colonel Hannay is dead. No part of his conduct is implicated in the articles on which the cause rests. Speaking of another gentleman, the Manager says, "This "Balfour, the writer of this extraordinary letter, one of the mili- "tary farmers general employed under Hannay in desolating the "country." Is such language to be countenanced or endured? What is there in the charge that applies in the smallest degree to Major Balfour? Speaking of Major Osborne, the Manager said "Major Osborne had been dismissed. A Court-Martial removed "him (justly or unjustly I care not) from his situation. There "he sits in that box. Who sent him to Oude, to suck the blood "the military had spared?" What is there, said Mr. Sumner, in the articles on which the Commons rest their case that applies to Major Osborne? The House is degraded and disgraced by the misconduct of the Manager. "His supple, worn-down, beaten, "cowed, and I am afraid, bribed, colleague, Mr. Wheler." Is this justifiable language to be applied to a man who is no more, when there is no evidence that can warrant such an insinuation? In any stage of the trial, said Mr. Sumner, such language would be highly improper; but in the last stage of it, after evidence was closed on both sides, to make such remarks was in fact to betray the cause entrusted to him; for he excited no sentiments but those of indig-

nation and contempt, either in the Court or in the audience, by such general and illiberal abuse. In the same indecent terms that the Manager had mentioned every gentleman almost who had given evidence on the trial, did he address the Court. Does the House know, that in offering a piece of evidence which the Court unanimously rejected, the Manager told them that he was addressing an Assembly of Nobles, that they would not do so foul a thing as to reject the evidence he offered; for if they did, they would act like thieves in a night cellar? Mr. Sumner said, he could continue to quote passages from the last speech of the Manager so very offensive to decency, so degrading to the character of the House of Commons, as would shock the ears of every gentleman who reflected, that as a Member he shared in the disgrace brought upon them all by the Manager; but he trusted he had laid sufficient grounds for the motion which he meant to conclude with, and would therefore move the previous question.

Mr. WIGLEY said, he rose to second the motion, and very fully concurred in all the observations of his honourable friend. But there was another reason which also weighed most forcibly with him; the House was sensible of the clamour which had been raised out of doors, and justly raised on account of the unprecedented duration of this trial. The House felt it, and had ordered a Committee to report the causes of the duration of it. The House had good reasons, he presumed, though they did not occur to him, for appointing the Managers to be the Members of that Committee. It struck him, that they were made Judges in their own cause, for the fault must be with the Managers, the counsel of Mr. Hastings, or the Lords. In the close of that Report another was promised; was it decent to thank the Managers before any motion was even made upon the first, or before the second Report, though promised so long ago, was delivered? No precedent of former thanks applied in any degree to this case. The trial had lasted seven years, and would not be finally terminated until the next session. Let gentlemen consider the nature of their Managers' conduct before they came forward with a vote of approbation. If the trial had been finished in the first year, the House would have been competent to form an opinion; but the Members had deserted the Hall; and even of the Managers, very few had lately attended. At all events, Mr. Wigley conceived the present to be a very improper time to vote thanks to the Managers.

Mr. ROBINSON said, he had been present in Westminster Hall when the leading Manager had, in his opinion, treated the Court with very great indecency. The security of the Constitution

depended upon each branch of the Legiſlature being kept perfectly diſtinct, and on its being treated with every degree of reſpect. As the leading Manager had not acted towards the Court in a manner that became him to act, he ſhould certainly oppoſe his receiving the thanks of the Houſe.

Mr. WINDHAM ſaid, that although at firſt intending not to ſpeak, as being in ſome degree a party in the queſtion, yet he felt himſelf relieved from this, by the diſtinction taken between Mr. Burke and the other Managers; although he was convinced there was not one of them but would be proud to be connected with him in the fame and honour of the tranſaction. Declaring himſelf as competent to decide upon what had paſſed at the trial as any other perſon whatever, from his conſtant attendance, he affirmed, that in every inſtance quoted by the Member who oppoſed the motion, he had been completely miſtaken; in many inſtances attributing to Mr. Burke words never uttered by him, and in others the expreſſions were ſo garbled as not to be underſtood. He, for one, had never conceived, that in ſpeaking upon what the Managers looked upon to be crimes of the deepeſt dye, they were to obſerve the courtly language of a drawing-room.

Mr. FRANCIS ſaid, that his intention in addreſſing the Houſe on the preſent occaſion, was to give his teſtimony as a witneſs to certain points of fact. That having attended the trial with the greateſt diligence, and more conſtantly, he believed, than any other Member of the Houſe, he was at leaſt a competent witneſs upon every thing that paſſed, and that he did not mean to aſſume any other character in this debate. That, without queſtioning the honourable gentleman's veracity, he did and muſt diſpute the exactneſs of his recollection on many points; and that even the honourable gentleman himſelf had not truſted entirely to his own memory, having been obliged to refreſh it by recurring to a newſpaper, to which Mr. Francis well knew that no confidence ought to be given. That he thought the honourable gentleman had greatly overſtated, and given a very harſh and ſtrained conſtruction, in every inſtance, to the language uſed in the pleadings by his right honourable friend; but that, in ſome very material particulars, he took upon him to affirm, that the honourable gentleman had been groſsly miſtaken or miſinformed. For example, the expreſſion of Spider of Hell was never applied by his right honourable friend to Mr. Haſtings; it was a quotation from a ſpeech of Sir Edward Coke againſt Sir Walter Raleigh, and Mr. Burke, when he mentioned it, had ſpoken of it as a weak and fooliſh expreſſion; that the wor s, a Judge of Hell, were nothing but a quotation from Virgil,

Castigatque auditque dolos, subigitque fateri,

which the honourable gentleman had thought fit to translate into very vulgar English, and then fixed his own English words upon Mr. Burke. There was another instance, more material than all the rest, on which he could aver with positive certainty, and would be ready to do so in a Court of Justice, if it were necessary, on which the honourable gentleman was most completely mistaken, namely, when he asserted that his right honourable friend had treated a vote of this House (in which some expression he had used relative to Sir Elijah Impey had been disavowed and disapproved of) with levity and disrespect. This charge, Mr. Francis affirmed, was not true, and that there was not the smallest ground or pretence for it: that, on the contrary, when his right honourable friend mentioned this vote in Westminster Hall, he did it in terms of the greatest deference and respect, and with a most singular choice and propriety of language; for the truth of which Mr. Francis appealed to Mr. Fox. Mr. Francis then observed, that gentlemen who laid such mighty stress on casual expressions, or other little circumstances not essential to the conduct of so heavy and so laborious a business as the impeachment, should have been particularly cautious in stating the facts with the utmost accuracy; and finally, that even if it had been true, that any inconsiderate or even passionate expression had escaped any of the Managers, which he was far from admitting, it would be no objection to the vote of thanks now proposed. That this vote expressed nothing but to thank the Managers for their faithful management in their discharge of the trust reposed in them, and neither did nor could be supposed to bind the House to adopt every individual word used by the Managers in their pleadings; and that therefore, unless it could be stated and proved, that their management had been unfaithful, which had not been attempted, nor even pretended, the House could not justly refuse their assent to the resolution as it stood proposed.

Mr. FOX, contrary to his intention, found himself obliged to say a few words. He disclaimed all separation between the rest of the Managers, and the right honourable Member, so eminently qualified, not only by nature, but likewise by his particular study and attention, to be, as he was termed, their leader in this business, and with whom it was their boast and glory to be identified. As to the imputation of using harsh terms, he did not conceive, that the Managers were chosen for their capabilities in courtly phrases; and as to persisting to think the fate of Nundcomar a murder, if there was any blame in it, it was his, for it was he, and not Mr. Burke,

who had fo expreffed himfelf before the Lords, fubfequent to the cenfure paffed upon Mr. Burke by the Houfe, and he was yet to learn, how any vote of that, or any other Houfe, however it might control his words or actions, was to fhackle his thoughts or opinions.

Mr. LAW rofe after Mr. Fox, and faid, that it was unneceffary for him to fay much more than to confirm the ftatement of his two honourable friends, Mr. Sumner and Mr. Wigley, which he did moft completely; nor could he fupprefs his furprife and aftonifhment at the conduct of gentlemen of character, whofe talents he revered, in attempting to excufe the leading Manager, by afferting that, in fome inftances, his expreffions had been mifreprefented. Mr. Law folemnly affirmed that they were not; that the Englifh language did not afford expreffions more grofs, violent, abufive, and indecent than thofe which the Manager had ufed. If any paffage in his fpeech could be called fublime and beautiful, it was at beft but fublime and beautiful nonfenfe; at other times his expreffions were fo vulgar and illiberal, that the loweft blackguard in a bear-garden would have been afhamed to utter them. He was indeed furprifed that a right honourable gentleman (Mr. Fox) fhould condefcend to mix his character with that of the leading Manager. Mr. Law faid, he had been a very conftant attendant upon the trial, and he had often feen the right honourable gentleman exert his great abilities in fupport of the caufe affigned to him, and as often excited in order to correct the follies, and the intemperance of the leading Manager. Whatever his abilities might be, he was totally unfit to conduct a public trial. His violence, his paffion, and his obftinacy were unconquerable; and as for his fuppofed information, he was really aftonifhed that a man who had been twenty-two years employed in Indian inquiries fhould ftill be fo very ignorant of India. His prejudices had totally warped his judgement. The feeling of the public, Mr. Law faid, would not, and could not be changed by a vote of that Houfe. Many thoufand perfons of both fexes had heard the clofing fpeech of the right honourable Manager, which had lafted nine days. His expreffions could not be miftaken; and he was confident that if the minutes of the fhort-hand writers were called for, it would appear, that the terms he ufed, inftead of being lefs, were more illiberal, outrageous, and offenfive, than his honourable friends had reprefented them to be. They were univerfally reprobated from the firft characters among the numerous audience that had heard them, down to the meffengers, door-keepers, and guards. In that Houfe, Mr. Law faid, gentlemen would not fpeak out; but he knew that they condemned the conduct of the

leading Manager as much as he did; but obferved, that he was not to be controled, and that oppofition only made him the more violent. Mr. Law faid, the Manager had treated the Court as ill as he had done Mr. Haftings. To the truth of the various quotations, one excepted, which was of an old date, he bore the fulleft teftimony. The expreffions were ufed this year, and all of them within a month. The context in no inftance could take away from the groffnefs or illiberality of the expreffions. It was difgraceful to the Houfe, and fcandalous to the caufe of juftice, that the moft atrocious libels fhould be uttered againft gentlemen whofe conduct was not in queftion, and who, confequently, could not defend themfelves. Amongft the gentlemen with whofe characters the Manager had made fo free, there was one very old and intimate friend of his own, Major Ofborne, a gentleman of as fair and honourable a character as any in England, and a man who knew how to defend himfelf. It was highly unjuft in the Houfe, and highly impolitic, to afford their fanction, in the flighteft degree, to any of the abominable calumnies that were uttered. It involved them in injuftice, inconfiftency, and abfurdity. It degraded the national character moft unjuftly throughout Europe. Barrere, in the National Convention, had the other day detailed as fact, an infamous falfehood, which party malice had invented many years ago;—he meant the accufation, that the Englifh were the authors of the dreadful famine that raged fo fatally in Bengal in the year 1770. At that time, Mr. Law faid, he was in Bengal, and he affirmed moft folemnly, that every exertion was made by the Britifh Government to leffen the fhocking miferies which the people fuftained, not from any mifmanagement of the Government, which was then in the hands of Mahomed Reza Cawn, but from a failure in the periodical rains; that every civil fervant of the Company, every Britifh officer at every military ftation, and every Englifhman throughout Bengal, exerted himfelf to alleviate the diftreffes of the people. The moft liberal fubfcriptions were entered into, and every perfonal exertion ufed, to procure grain wherever it could be found; yet fome modern hiftorians had reprefented the Englifh as the caufe of that famine, and as infenfible of the miferies it brought upon the people. In the fame ftyle did the leading Manager, in the firft year of this trial, introduce a ftory, which refounded through Europe, to the difgrace and fcandal of this nation; he meant the ftory of Deby Sing. Mr. Law faid, that on its being told, he had affirmed that it could not be true. He knew that cruelty was no part of an Englifhman's character in any country, and as little fo in India as any part of the world. This juftice, he was fure, the noble Mar-

quis would do to his countrymen; for he was too high and too honourable a character to conceal the truth, because men of great consideration in this country had been misled. The noble Marquis had shewn himself to be superior to those follies and prejudices which had distinguished so many persons in England.

The leading Manager had implicated a very intimate friend of his in the story of Deby Sing; he meant Sir John Shore, whom the Minister had selected to govern Bengal. He had described that gentleman as an accomplice in the crimes of Mr. Hastings, and had gone so far in folly as to remonstrate to the Directors on their appointing him Governor-General of Bengal. Mr. Law said, that when he heard the Manager tell this story with so much confidence in Westminster Hall, he was sure, from his own knowledge of the country, that this story could not be true; but his regard for Sir John Shore, and his zeal for the honour of his country, induced him to sift the business to the bottom. He went most carefully and attentively through all those volumes which the Manager had in his possession also, and he boldly challenged the most inventive malice of the most malicious man that ever existed to affix blame either upon Mr. Hastings, or Sir John Shore, for any concern they had in that transaction. The fact was shortly this; a district was rented for two years to a man of the name of Deby Sing, and let out again by him to under-farmers. This man had been for years employed in the revenue line, and was much esteemed both by Sir John Shore and Mr. Anderson. The first year the rents were regularly paid; in the second there were complaints of great severities having been used in the collection of the revenue. The first and the only act done by Mr. Hastings throughout the whole business, was to order Deby Sing to be removed, and that in so hasty a manner, as to expose himself to the charge of having acted with too much severity to him. A gentleman was deputed to receive the complaints of the natives, Mr. Paterson, of whom the world has heard so much, and who was so little pleased with the extravagant encomiums of the leading Manager, that he has publicly disavowed them, and has publicly expressed concern that his reports should have been tortured into evidence against Mr. Hastings, who had no sort of concern in the business, but was most anxious to detect the enormities of Deby Sing, and to punish him. Mr. Paterson transmitted to Calcutta all the complaints he had received, and amongst them were statements of cruelties practised upon certain of the natives, too shocking to be repeated. These complaints arrived when Mr. Hastings was absent, and the Board appointed a Committee of Company's servants (all senior to Mr. Paterson, and not junior, as the Manager stated)

to sift this business to the bottom. The Commissioners were sworn, and the examinations were taken upon oath. Their commission did not terminate until long after Mr. Hastings was in England; and the result of the fullest examination was, that the most dreadful of the cruelties charged never were committed at all, and that for such severities as were exercised, no possible blame could attach upon any English gentleman. Such, Mr. Law affirmed, was the true state of the case; and it was a disgrace to the House of Commons, that the leading Manager should have travelled out of his indictment, in order to utter his calumnies against Sir John Shore, and the public servants employed in the revenue line. Mr. Law lamented exceedingly that so superior a man as Mr. Fox, since he had accepted the office of a Manager, had not condescended to examine and to judge for himself before he spoke. Had he ever himself looked into the history of Deby Sing, he never could have justified for a moment the conduct of the leading Manager. Nor was this, said Mr. Law, the only instance in which the leading Manager had quitted the articles intrusted to him, in order to indulge the malignity of his own disposition. He had lately described Mr. Hastings as a man of low, vulgar, and obscure origin, whose occupations had been base, mean, and sordid. If it were of any consequence in this free country, and at this period, for a man to value himself upon the accidental circumstance of family, Mr. Hastings might have as fair grounds to boast of his family as any gentleman in the House. Such topics are ridiculous; but that from such a man as the Manager a word should be uttered on the subject of low, mean, and obscure origin, was indeed most extraordinary; the Manager of all men living ought to have avoided such a topic. Mr. Hastings, the Manager said, had been a fraudulent bullock-contractor in the year 1761. This is downright calumny. Where is the charge voted by the House, or where the evidence, that entitled him to make such an assertion? Indeed, said Mr. Law, the Manager in his closing speech of nine days, wasted five of them upon points that had not the most distant relation to the cause intrusted to him by this House; and the more he considered his conduct, the more was he convinced, that from 1788 to this day, he had systematically, for some purpose or other, delayed the close of the trial to as late a period as he possibly could, to the abuse of public justice, at a most enormous expence to the nation, and to the manifest inconvenience of all ranks of people. Every thing he had done was for the purpose of delay. The House collectively had not attended, and therefore could not judge; but such gentlemen as had heard the Manager examining witnesses, keeping some of them four days together, asking questions

that had no relation to the points in issue, or putting the same questions over and over again, must be convinced, that delay, and delay alone, was his object. No words, Mr. Law said, could convey to gentlemen who had not heard his closing speech an adequate idea of it—it lasted nine days—two were employed in going through the Benares, and two in going over the Begum article. A most indecent proceeding, Mr. Law said, in his opinion, and a very poor compliment to the Managers, who had well and ably performed their duties, a proceeding that could have no other effect than to weaken the force of their observations. Such was the universal remark. Another day was wasted in part by remarks on that article, which the right honourable gentleman (Mr. Fox) had enforced by every argument that talents, eloquence, and ingenuity could bring forward, and which well merited the most serious attention of every man. Mr. Law said, though he differed in opinion with Mr. Fox, yet he must do him the justice to say, that all that man could do to support the cause, he had done. But here again the leading Manager must interfere; he must destroy, as far as he could, the effect produced by Mr. Fox's speech: he went over the ground again, until listlessness, fatigue, and disgust, were apparent in every countenance. The remaining four days were wasted by the Manager upon points that had no sort of relation to the charge, improper at any time to have been agitated, but when dwelt upon in a speech in reply, which ought to be confined to remarks upon evidence before the Court, in the highest degree indecent and irregular. Part of the time was wasted in reading papers that are not in evidence, and in blackening the characters of gentlemen who cannot defend themselves. What, then, could the Manager mean, but to scatter his calumnies as wide as he could, and to continue the trial to the latest possible moment he could? Mr. Law said, and it was well known, that he had no sort of connection with Mr. Hastings, and that he had in India disapproved of some of his political measures; beyond this, he had never gone, as an honourable Member (Mr. Francis) well knew. On political subjects he had differed with Mr. Hastings, but never upon any one of the four points on which this Impeachment rests. On those points he never had but one opinion; and he believed the mind of every fair and impartial man in the kingdom was made up as to Mr. Hastings. He was confident that Mr. Hastings, in no one act of his public life, had been warped by interested or by malicious motives. One good effect this trial would have—it would convince his countrymen how grossly they had been imposed upon, and they would be less liable to imposition in future. Mr. Law concluded by saying, that as he thought the

conduct of the leading Manager, throughout the trial, had entailed shame and disgrace upon the House of Commons, he should vote most heartily for the previous question.

Mr. FOX, in explanation, said, that what he had said on the topic alluded to, was the result of a full consideration of the subject, and not from the hearsay of any person whatever; and what, were the same occasions to occur, he should not hesitate to say again; but if it was from hearsay only that he had his information, he wondered how the honourable Member came to know that circumstance; but he could tell him, the fact was quite the reverse.

Mr. ANSTRUTHER supported the conduct of Mr. Burke, and said, that though the leading manager originally had told the story of Deby Sing, yet it was another right honourable gentleman (Mr. Fox) and himself who proposed to give evidence upon it, thinking they might make Mr. Hastings responsible for the acts of Deby Sing. It was true, the Court had unanimously rejected the evidence, but he still retained his own opinion on that, and other points of evidence which had been rejected.

Mr. SUMNER spoke in explanation; he wished, if any one gentleman doubted his veracity, to refer to the minutes of the short-hand writer, as the only criterion by which they could determine who was right in the statement of the language used by the right honourable manager; and upon this point, he declared himself willing to meet any of those gentlemen who considered it in a different point of view from him.

Mr. SHERIDAN supported the conduct of Mr. Burke; he said, that if the question was merely whether the Managers merited the thanks of the House or not, that he should not vote on the occasion, but the motion for the previous question on the ground on which it was moved, viz. for the purpose of throwing a reflection on the conduct of one of the Committee, changed its nature entirely, and he therefore should feel it his duty to remain in the House with those who oppose it.

The queston was then put, when there appeared,

For the previous question, 21; Noes, 55. Majority, 34.

The question of thanks was then put, when there appeared,

Ayes, 50; Noes, 21. Majority, 29.

The usual motion, that the Speaker do give the thanks of the House to the Managers in their places, was then put and carried; and the SPEAKER addressed the Managers in the following speech:

Gentlemen,

"IT is my duty to communicate to you the thanks of this

House, for the manner in which you have discharged a most arduous trust, on an occasion highly interesting to the honour and justice of the nation.

"The subject, to which your attention has been directed, was intricate and extensive beyond example: you have proved, that it was well suited to your industry and eloquence, the exertions of which have conferred honour, not on yourselves only, but on this House, whose credit is intimately connected with your own. A forcible admonition has been given, on this occasion, to all persons in situations of high and important national trust, that they can neither be removed by distance, nor sheltered by power, from the vigilance and authority of this House, which is possessed of no privilege more important, than that by which it is enabled to bring public delinquents to the bar of public justice, and thus to preserve, or rescue from dishonour, the *British* name and character.

"But in addressing you on this occasion, and in considering the beneficial consequences to be expected from this proceeding, it is impossible not to advert to the increased security which the Constitution has derived in the course of it, from the recognition and full confirmation of the principle, that an impeachment is not discontinued by a dissolution of Parliament; a principle essential to the privileges of this House, and to the independent and effectual administration of public justice.

"Under these impressions, suggested by the nature and importance of your trust, and by the manner in which you have discharged it, I obey with the utmost satisfaction, the commands of this House, by stating to you their resolution,

"That the thanks of this House be given to the Members, who were appointed the Managers of the Impeachment against Warren Hastings, Esq. for their faithful management in their discharge of the trust reposed in them."

Mr. PITT moved, that the Speaker do print his speech.

Mr. BURKE said, that by the orders of the House, when the thanks were given, he and his brother Managers were tongue-tyed, and had no means whereby to express their gratitude but by their submission to those orders. But he thought he should be wanting in gratitude if he did not, the moment the penalty of silence was removed, seize the first opportunity to express his own satisfaction, and that of his fellow Managers, on the occasion. They had laboured to discharge their duty, they had completed the task, and they were paid by the thanks of that House, the first reward men could receive. Next to the thanks he must notice the very dignified and elegant manner in which the Speaker had discharged that

task, in which he consulted not only the grandeur and dignity of that House, but at the same time politeness and attention to them. He then entered into a short defence of the conduct of the Impeachment. He assured the House, that no asperity of remark should provoke him to say a word; that prejudices arising from personal friendship, or from a sense of personal obligations, were too laudable for him to be discomposed at: he would only assure the House, that he had thrown no general reflections on the Company's servants, having merely repeated what Mr. Hastings himself had said of the troops serving in Oude; and it would be found by referring to the 12th and 13th articles, that the House had marked their opinion of the officers serving in Oude, in the very terms that he had used; and as for the other expressions, they had been very much misrepresented.

Mr. LAW, in reply to Mr. Burke, said, that he desired not to be included amongst those gentlemen, if any such there were, which he did not believe, who acted either from early prejudices, or from a sense of favours received; he was as independent of Mr. Hastings as of the two right honourable gentlemen who were united upon the present question; and he gave his vote from the firmest conviction, that he was right, and that instead of thanks, the leading Manager merited the reprobation of every man who had the honour of the House and of the country at heart: he was, indeed, sorry to see the right honourable gentleman (Mr. Fox,) whom he much respected, acting in the present instance under such a leader. He knew what the sense of the country was, and no vote of that House, though supported by all the influence both of the Minister and of the Opposition, could change the public mind, or convince the people of the propriety of the conduct of the leading Manager. With regard to his having misrepresented any one expression used by the leading Manager in Westminster Hall, he was confident he had not, and that if the minutes of the short-hand writer were referred to, it would be found, that he had been infinitely more abusive and violent than he had been represented in the quotations that were made. Mr. Law repeated, that no contradiction, let it come from what quarter it would, could have the slightest effect in this case; it was impossible to mistate what so many thousands had heard, what so many thousands had reprobated, and which, as he said before, excited no other sentiments than those of contempt and indignation in the minds of the auditors, from persons of the highest rank down to the door-keepers, guards, and porters, attending in and about Westminster Hall.

Mr. DUNDAS called the attention of the Houfe to the notice which he had given, of moving the thanks of that Houfe to Lord Hood, for the important fervices he had rendered the country by the capture of Baftia. An honourable Member (Mr. Sheridan,) had, when he had given his notice, intimated an intention to oppofe it; but as he had fince then fufficient time for inquiry into the real merits of the cafe, he hoped that he fhould hear him retract that opinion, and forego his intended oppofition. At all events he fhould not enter into the particular ftatement of the advantages obtained, unlefs he fhould feel it neceffary from any obfervations or oppofition which might be offered; and in fuch cafe, he trufted he fhould have the indulgence of the Houfe. He concluded by moving, "That the thanks of the Houfe be given to Admiral Lord Hood, for his able and gallant fervices in the reduction of Baftia, in the ifland of Corfica."

Mr. SHERIDAN faid, that he was not very hafty in forming his opinions, and therefore not likely to retract them without fome reafon or argument to convince him that they had been founded in error or mifconception, but the right honourable gentleman had not ftated any ground whatever, upon which he moved for the thanks to the noble Admiral, but he fuppofed the fame of his victories, and the general approbation with which they were received by the Public at large, had rendered any ftatement to the Houfe fuperfluous, or, perhaps, it might be confidered a kind of infult to enter into a detail of facts fo notorious as the fplendid and valuable fucceffes of his Lordfhip. But when the thanks of that Houfe were to be voted to Lord Howe, the right honourable gentleman felt it incumbent upon him to make fome fhort ftatement of the fervices performed by that noble Lord, though no man could be a ftranger to the fact, that he had rendered his country the moft effential fervices, and made her prouder in her fecurity. With regard to Sir C. Grey and Sir J. Jervis, he had alfo found it neceffary to give fome fhort account of their fplendid fervices, which followed one fo quick upon the heels of another, as to aftonifh the moft experienced and fanguine Commander; and the value of the conquefts made by thofe gallant Officers was not to be eftimated in any other war than the prefent, in this he could not confider them of fuch eftimation. He fincerely regretted that he had no reafon to change his opinion, but that he fhould feel it neceffary to oppofe the motion of thanks to the noble Admiral, to whofe gallant and able conduct, upon many other occafions, he was ready to bear teftimony; but as thanks were the fole reward that the Houfe had in its power to beftow; and was at the fame time the moft ample and moft honour-

able reward any man could receive; he thought it fitting that due regard should be had to preserve its value and importance, and not to diminish and fritter it away by bestowing it upon trifling occasions, or on persons who had not really merited it; the circumstance of his having received the thanks that night, might be perhaps considered as some reason why he should not oppose the same favour being bestowed on another, but it was to be recollected that he was one of many appointed to perform a task which they had executed to the extent of their ability, that they had gone through their labour and received their reward, which as long as its value is preserved by never granting it but on great and necessary occasions, is certainly the greatest and most honourable reward that man can receive; that the House had a constant eye over their conduct and behaviour on the occasion, and were competent to judge of their merit or demerit; but it was something different with regard to Admirals and Generals employed upon foreign service, whose conduct His Majesty, through his Ministers, might know, but to which, except by information also from them, the House could form no judgement whatever. He did not conceive it probable that any such mean, disgraceful principle as envy could actuate the minds of any officers employed in the service; he did not think it probable that Lord Howe or Sir John Jervis, or Sir Charles Grey, could feel any envy at the thanks of that House being voted to a brother officer; but, nevertheless, Ministers seemed to act upon a principle of that kind, for they seemed to think that Lord Hood might feel something like discontent or jealousy invade his breast, if he did not receive some token of public approbation as well as those officers who had been deservedly so distinguished, and that such was pretty evident, because that neither on account of the capture of Toulon—nor on account of the memorable retreat from Toulon, of which he should speak something more hereafter—nor on account of the capture of Fiorenzo, did His Majesty's Ministers ever once think of voting the thanks to Lord Hood. But now, when the thanks, which was the general voice of the nation, grateful for the most essential services, was voted to Lord Howe, they come with the little cock-boat of Bastia into the wake of Lord Howe's fleet, and under his convoy, wished to steer it into the Port of Public Approbation. He observed, that the thanks were merely confined to the capture of Bastia, and no consideration whatever was had to the whole of the conduct of the noble Admiral. He had been sent into the Mediterranean with the best appointed fleet that ever sailed from the British shore; he had the assistance of the Spanish fleet, or should have had it, or if he had it not, Administration were reprehensible in form-

ing alliances with powers who did not adhere to the terms of the treaties in which they engaged; he had employed a whole year, and had not yet effected his object; for if the reduction of Corsica was his object, it had not been yet effected.

He then drew a comparison between the services rendered by Lord Hood and those performed by Lord Howe, Sir Charles Grey, and Sir John Jervis, who had in so short a time performed so much. It had been made, in the thanks to those Officers, one ground, the cordiality which subsisted between the naval and military forces; but if he had not been much misinformed, the reverse was the case at Bastia; and he instanced the situation of Colonel Lumsden to prove this point. Seven thousand land forces had arrived to his Lordship's assistance at the time that he was entering into articles of capitulation for the surrender of the place; but this did not retard the negociation, and he entered into articles highly disadvantageous and reprehensible; for he consented to land all the garrison at Toulon, that they might be employed against our ally the King of Sardinia, or assist at the siege of Turin; and we should recollect that we are bound by treaty to persist in the war, until all that Prince's territories shall be restored to him. He supposed the Administration wished to draw a veil over the disgraceful actions at Toulon, in which the faith and honour of the British nation received an irreparable stroke through his Lordship's conduct. He could not conceive upon what ground the right honourable gentleman could have supposed him to have retracted his opinion upon this subject, when early in the session he had intimated his intention of moving an inquiry into his Lordship's conduct on that occasion; he wished the noble Lord was in his place, because it was painful to speak to the disadvantage of any gentleman in his absence; besides, it was very possible the noble Lord might give such an explanation of his conduct, as would remove every imputation of blame from him. He in strong terms reprobated the offer of the constitution of 1789 to the people of Toulon, and the vain promise of protection given them. It had been said that every one who was willing to go was taken away, when, in fact, the first notice, so great a matter of secresy was the retreat, these unfortunate persons had, was the blaze of those ships it was found necessary or possible to burn, and then they had their option of running four or five miles, to scramble to get on board, and leaving their wives and families without protection or support, or of awaiting the resentment of their exasperated countrymen. Such was the protection afforded the Toulonese. There was in the whole of the transaction of Toulon too much negociating, too much management, neither of which became

the character of an English Admiral. But the noble Lord was not only an Admiral, he was a politician. Mr. Sheridan hoped that he should not be suspected of having any recollection of the Westminster election—[A great cry of "Hear! Hear!"]—By the way in which that observation was received, he perceived that if he had, other gentleman had not forgotten that event. It called to his recollection a conversation he had with an honest fellow who was concerned in the Westminster election, who asked him, "What he thought of the business of Toulon?" I told him I thought it was a very extraordinary business. "Yes, Sir," said he, "I think, when he comes back, we ought to have a scrutiny." Upon the whole, though he felt himself bound to oppose this motion, yet he wished to do it in the least disrespectful manner to the noble Admiral; therefore he should move for the previous question.

Mr. FOX seconded the motion. He said his situation was peculiarly delicate in opposing the thanks of the House to the noble Lord, as he had been engaged in political contests with him, and those of a nature the most likely to produce acrimony and ill blood for the time; but every person who knew him, would do him the justice to say, that his conduct on the present occasion, could not be influenced by any other motive than by a zealous wish to discharge what he conceived his duty to the Public. He contended that Bastia was not in itself an object to entitle the noble Admiral to the thanks of the House, because it by no means completed the object of the expedition in which he had engaged. He observed, that when Martinique, in the West Indies, was taken, no mention was made of thanks to the Officers who commanded; and when other places of as much consequence as Bastia had been taken, Valenciennes and Conde, the illustrious General was not thanked, and therefore he considered there must be something personal in the business. It could not be said that the Duke of York was not thanked from any consideration of his rank, because many of the Royal Family had been thanked by that House for public services, and felt themselves exalted by the honour. He adverted to the transactions at Toulon, which were as disgraceful as unfortunate. With regard to the importance of Bastia, with respect to Corsica, to which the question at present entirely related, it did not to him appear to justify the present measures. He adverted to the capitulation, which did not tend to add any laurels to his success. He paid every tribute to the former gallantry and distinguished merit of the noble Lord; he had once the honour of moving the thanks of the House to him, for very great and eminent services, nor could he conceive that he who had received the thanks of the House conjointly with Lord Rodney, for

the memorable action of the 12th of April, could feel any great honour from its thanks on the present occasion.

Mr. DUNDAS acknowledged, that in proposing the thanks of the House to Sir Charles Grey and Sir John Jervis, he had made a short preface to his motion; but by a peculiar mode of reasoning, the honourable gentleman had censured him as severely for that mode of conduct, as he did now for making the motion without any preface at all, so that it was utterly impossible for him to please that honourable gentleman. The honourable gentleman had charged him with endeavouring to depreciate the merit of one gallant officer, by proposing thanks to another. This observation did not surprise him; he had seen it before in a morning print, from which the honourable gentleman had probably collected it. But he had too high an opinion of English seamen, their hearts were cast in too good a mould, to feel any thing like envy at the successes and victories of another. The honourable gentleman had made some allusions to Toulon, which he was not called upon to answer, because the House had already given a decided opinion upon that event, which opinion was expressed in the address to His Majesty at the commencement of the session, and therefore, until some proofs could be brought in support of the allegations which had been made upon this subject, he should not enter into an investigation of it. The honourable gentleman had alluded to a scrutiny; then of course he will allow the return to take place before the scrutiny is commenced; he will allow the vote of thanks for one branch of service, before he commences his investigation of another. Ministers had been also accused of postponing their vote of thanks to Lord Hood, until the news of Lord Howe's victory arrived; in answer to which he begged leave to say, that he had taken the very first opportunity which occurred of giving notice upon this point; for gentlemen would recollect, that he was prevented by an adjournment from coming forward as soon as his wishes would have led him upon this subject.—But to come to the conduct of the noble Admiral, which had been so severely attacked, it appeared to him in a point of view very different from that of deserving censure: when he first went into the Mediterranean, his object was to preserve the trade of this country, which he did in the most effectual manner; after which he blocked up the whole French fleet in the harbour of Toulon, though much superior to him in point of number: when afterwards he undertook the siege of Bastia, it was against the advice of military officers, who thought the place too strong for their attacks, the garrison consisting of near 3000 men, aud the whole land force that could be brought against it being only 1100 men. Lord Hood undertook the whole

at his own risque, and succeeded; if he had failed, he would have been the object of censure for his rashness and precipitancy by those very persons who now accused him of not having performed any service. Mr. Dundas said, he would not enter into any description of the value and importance of Corsica, but he was sure that the liberation of two hundred thousand souls from the tyranny of France, was an act worthy of praise. The honourable gentleman had alluded to the noble Lord being a politician. "This," said Mr. Dundas, "calls to my remembrance what passed between a gentleman and me, when the honourable gentleman intimated an intention of opposing this motion. I said to a gentleman, What can Sheridan mean by opposing this measure? He answered, Why, don't you know they can never forget the Westminster election!" Mr. Dundas concluded with saying, that it had fallen to his lot to propose thanks to many gallant officers, with success, and hoped that upon this occasion he should be equally fortunate.

Mr. Serjeant WATSON observed, that Mr. Sheridan, in adverting to the Westminster election, "let the cat out of the bag." With respect to this business, he said, that he had the honour of an acquaintance with his Lordship at that time, whose generosity he applauded, and no insinuation that could be made against him, would lead him to disapprove of those services, for which he would give his most hearty thanks and approbation.

Mr. SHERIDAN was rising to make a motion, when

Mr. DUNDAS interrupted him, by moving, in addition to the thanks to Lord Hood, the thanks of the House to the Officers, seamen, and marines employed in the service.

Mr. SHERIDAN, after remarking on the generosity to which Mr. Serjeant Watson alluded, said, that as gentlemen were so extremely partial to precedents, he was surprised to see them depart from them in the present instance. He would therefore move, by way of amendment, that the thanks of the House should be voted to Admiral Peyton, Gardner, Lieut. Col. Vilette, and each of the officers employed in the land service during the operations against Bastia.

Mr. Chancellor PITT said, that there was a strange particularity in the amendment, as it went to overload a motion of thanks for services, which the honourable gentleman had disputed. Beside Admiral Peyton had been recalled from the Mediterranean before the war, and since waved his flag in the Downs. There was besides another error, as Colonel Vilette had not been engaged in the service.

Mr. SHERIDAN replied, that he was concerned that there were

not more miſtakes in the buſineſs, as being more congenial to the propoſition. In the caſe of Lord Hood, the Admirals were individually mentioned; but in the preſent inſtance, Miniſters thought fit to deviate from their former practice, becauſe they knew that there was a want of harmony and union between the officers employed in the reduction of Baſtia. As to the error into which he had fallen, it was ſuch as the Firſt Lord of the Admiralty had made in another Houſe. But he thought Colonel Vilette deſerved the thanks of the Houſe, as Baſtia had been reduced by ſtarvation; and he was active in his ſituation, with others, in cutting off the ſupplies. He was of opinion, however, that it was a duty incumbent on Miniſters to correct the error and ſpecify by name the parties concerned.

Mr. DUNDAS hoped, that if a reference were made to the Weſtminſter election, they would, even now, on the ſame principle of reaſoning, allow the noble Lord a return before they attempted a ſcrutiny.

Mr. BURKE, after making a few pleaſant obſervations on the places of nativity, of himſelf and the honourable Member who propoſed the amendment, ſaid that his motion reminded him of

"O'ROURKE's noble feaſt ſhall ne'er be forgot
"By thoſe who were there, and thoſe who were not."

What the learned ſerjeant had ſaid of the Weſtminſter election was foreign to the ſubject, and inſtead of "letting the cat," he ſeemed to let the brief out of the bag. The alluſion to the election reminded him of a fiction in law, which made "Baſtia in the city of Weſtminſter, in the pariſh of Covent Garden, and ſo forth."—Juſt as gentlemen found it convenient to change the *venue*. He conceived Corſica to be a conſiderable acquiſition, as he formerly pronounced it the citidal of France to overawe Italy; and he inſiſted that Lord Hood, by his eminent ſervices, had ſaved Italy, and lamented that the prowefs diſplayed at Baſtia had been debaſed by a reference to the election manœuvres of Covent Garden.

The queſtion was then put, when Mr. Sheridan's amendment, after ſome farther converſation, was negatived.

Mr. FOX then moved the thanks of the Houſe to General Dundas. This, after ſome converſation, was alſo negatived.

The original motion was then put, and carried.

Mr. PITT moved, "That the Houſe, at its riſing, do adjourn to Monday ſe'nnight." Ordered.

Monday, 30th June.

The SPEAKER reported the anſwer of Earl Howe to the thanks

of that House transmitted to him on the 16th instant, for the glorious victory obtained over the French fleet on the first of the present month.

A new writ was ordered to be issued for the Borough of Orford, in the room of the Earl of Yarmouth, now called to the House of Peers.

Mr. Chancellor PITT reported, that His Majesty had been waited upon with certain addresses of that House, and that he had been graciously pleased to say he would give directions accordingly. The Chancellor of the Exchequer moved, that the papers presented, sealed up, by Mr. Secretary Dundas, and referred by that House to the Committee of Secrecy, be returned to the Office of the Secretary of State. Ordered.

The House then adjourned to

Monday, 7th July.

Mr. LONG then moved that the House on its adjournment should adjourn till Friday next.

Mr. SHERIDAN said, that it might have been expected that in such a situation of the country as the present, Ministers would have thought it no derogation from their dignity to attend their duty in the House on the last day of the session in which it was likely any business could be done. There were many points respecting which Members of that House were bound to ask for information, information which their constituents in the several parts of the country would have a right to demand of them, and unless the honourable gentleman who had moved to adjourn till Friday, could say that it was not the intention of Ministers to prorogue Parliament on that day, he should move as an amendment to leave out the word Friday and insert Thursday. His reason for moving this amendment was, in order to have an opportunity of bringing forward a proposition, which, from the late events that had taken place on the Continent, he conceived to be of considerable importance to the country: he therefore moved that the House do adjourn till Thursday next.

Mr. JEKYLL seconded this motion, and expressed his astonishment at the absence of all the King's Ministers. He thought it reasonable to expect to find them in their places to explain some late events, which were extremely curious and singular in their nature. He wished those gentlemen had been present to give an account to the House of the money that had been sent to the King of Prussia. There was also another circumstance which he could not help mentioning;—it had been formerly stated by his honourable friend in that House, that Lord Dorchester had written a letter to the

Indians, respecting this country being about to be involved in a war with the American States. The authenticity of that letter was flatly denied in that House, and when the same subject was brought forward by a noble friend of his in another place, this letter was treated as a gross forgery; but now it had turned out, from the letters of Mr. Hammond*, that what his honourable friend had said with regard to that letter was correctly true.

* The following are the letters which passed on the occasion, referred to by Mr. Jekyll.

From EDMUND RANDOLPH *to Mr.* HAMMOND.

SIR, *Philadelphia, May* 20, 1794.

It cannot be unknown to you that a speech, said to be addressed on the 10th of February, 1794, to several Indian nations, and ascribed to the Governor-General of His Britannic Majesty at Quebec, has appeared in most of the public prints in the United States. With so many circumstances of authority, after remaining so long without contradiction, it might have justified us in inquiring from you, whether it was really delivered under British authority. Our forbearance thus to inquire is conformable with the moderation which has directed the conduct of our Government towards Great Britain, and indicates, at the same time, our hope, from the declaration of yours, that its views would prove ultimately pacific, and that it would discountenance every measure of its officers having a contrary tendency.

Even now, Sir, while I entertain a firm persuasion that in presuming this speech to be genuine I cannot well err, I shall be ready to retract the comments which I am about to make, if you should think proper to deny its authenticity.

At the very moment when the British Ministry were forwarding assurances of good will, does Lord Dorchester foster and encourage, in the Indians, hostile dispositions towards the United States. If it was a part of the American character to indulge suspicion, what might not be conjectured as to the influence, by which our treaty was defeated in the last year, from the assembling of deputies from almost all the nations who were at the last General Council on the Miami, and where enmity against us cannot be doubtful? How nearly would that suspicion approach to proof, were we to recollect that so high an officer as himself would not rashly hazard this expression: "I should not be surprised if we were at war with the United States in the course of the present year; and if we are, a line must then be drawn by the warriors."

But this speech only forebodes hostility; the intelligence which has been received this morning is, if true, hostility itself. The President of the United States has understood, through channels of real confidence, that Governor Simcoe has gone to the foot of the rapids of the Miami, followed by three companies of a British regiment, in order to build a fort there. Permit me then to ask, whether these things be so? It has been usual for each party in a negociation to pay such deference to the pretensions of the other as to keep their affairs in the same posture, until the negociation was concluded. On this principle you complained in your letter of the 5th of July, 1792, of the jurisdiction attempted to be

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Mr. GREY could not possibly account for the absence of all His Majesty's Ministers on that occasion, but by supposing it to be a

exercised under the State of Vermont, within the districts occupied by the troops of your King, and demanded that our Government should suppress it, from respect to the discussion which was pending. On this principle, you were assured that proper measures should be adopted. On the same principle you renew, on the 10th of March, 1794, a similar application, and are answered that the measures of the Government should correspond with its assurances. Accordingly, although the forts, garrisons, and districts, to which your letters relate, are confessedly within the limits of the United States, yet have our citizens been forbidden to interrupt you in the occupancy of them: what return then have we a right to expect?

But you will not suppose that I put the impropriety of the present aggression upon the pendency of the negociation. I quote this only to shew the contrast between the temper observed on your part towards us, and on our part towards you. This possession of our acknowledged territory has no pretext of *statu quo* on its side; it has no pretext at all; it is an act, the hostility of which cannot be palliated by any connection with the negociation. It is calculated to support an enemy whom we are seeking to bring to peace.

A late mission of the United States to Great Britain, is an unequivocal proof, after all that has happened, of the sincere wish of our Government to preserve peace and a good understanding with your nation; but our honour and safety require that an invasion shall be repelled.

Let me, therefore, inform you, Sir, that I have it in charge from the President of the United States, to request and urge you to take immediate and effectual measures, as far as in you lies, to suppress those hostile movements; to call to mind that the army of the United States, in their march against the enemy, will not be able to distinguish between them and any other people associated in the war; to compare these encroachments with the candour of our conduct, and the doctrines which you have maintained, and to admonish those who shall throw obstacles in the way of negociation and tranquillity, that they will be responsible for all the unhappy consequences.

From Mr. HAMMOND *to* EDMUND RANDOLPH.

SIR, *Philadelphia, May 22, 1794.*

In answer to your letter of the 20th current, which I did not receive until late in the afternoon yesterday, it is necessary for me to premise, that, whatever may be my personal opinion with respect to the style and manner in which you have thought proper to address me upon the present occasion, it is not my intention to offer any animadversion upon them, but to proceed with temper and candour to the examination of the subjects of your letter.

Though I never can acknowledge the right of this Government to require from me so categorically as you have required it, an explanation of any measure emanating from the Governors of Canada, over whose actions I have no control, and for whose conduct I am not responsible, I am willing to admit the authenticity of the speech to certain Indian nations, to which you have alluded, and which you have ascribed to the

part of that system which had uniformly governed their conduct from the commencement of their administration. The Ministers

Governor-General of His Majesty's possessions in North America. But in order to ascertain the precise sense of the only passage of that speech to which you have referred, and of which you have given merely a partial citation, I shall quote the passage at length:

"CHILDREN,

"Since my return, I find no appearance of a line remains; and from the manner in which the people of the States push on and act, and talk on this side, and from what I learn of their conduct towards the sea, I shall not be surprised if we are at war with them in the course of the present year; and if so, a line must be drawn by the warriors." From the context of this whole passage, it is manifest, that Lord Dorchester was persuaded that the aggression which might eventually lead to a state of hostility, had proceeded from the United States; and so far as the State of Vermont, to which I presume his Lordship principally alluded, was implicated, I am convinced that the persuasion was not ill founded; for, notwithstanding the positive assurances which I received from your predecessor on the 9th of July, 1792, in answer to my letter of the 5th of the same month, of the determination of the General Government to discourage and repress the encroachments which the State and individuals of Vermont had committed on the territory occupied by His Majesty's garrisons, I assert with confidence, that not only those encroachments have never been in any manner repressed, but that recent infringements in that quarter, and on the territory in its vicinity, have since been committed. Indeed, if this assertion of mine could require any corroboration, I would remark, that though the space of 50 days had elapsed between my letter of the 10th of March, 1794, upon this subject, and your answer of the 29th of April, 1794, you did not attempt to deny the facts which I then stated, and which I now explicitly repeat.

In regard to your declaration that Governor Simcoe has gone to the foot of the rapids of the Miami, followed by three companies of a British regiment, in order to build a fort there, I have no intelligence that such an event has actually occurred. But even admitting your information to be accurate, much will depend on the place in which you assert that the fort is intended to be erected, and whether it be for the purpose of protecting subjects of His Majesty, residing in districts dependent on the fort of Detroit, or of preventing that fortress from being straightened by the approach of the American army. In either of which cases, I imagine that the principle of the *statu quo*, until the final arrangement of the point in discussion between the two countries shall be concluded, will strictly apply.

In order, however, to correct any inaccurate information you may have received, or to avoid any ambiguity relative to this circumstance, I shall immediately transmit copies of your letter and of this answer, as well to the Governor-General of His Majesty's possessions in North America, and the Governor of Upper Canada, as to His Majesty's Ministers in England, for their respective information. Before I conclude this letter, I must be permitted to observe, that I have confined to the unrepressed and continued aggressions of the state of Vermont alone, the persuasion of Lord Dorchester that they were indicative of an existing hostile

of the Crown had constantly and uniformly considered themselves as something above the House of Commons; and if they would not attend their places voluntarily, that House had a right to demand their attendance. The House, among many other things, had a right to ask them the reason of the non-performance of the treaty with the King of Prussia. It was now more than two months since the Prussians were to have been in the field, and they had not yet

disposition in the United States against Great Britain, and might ultimately produce an actual state of war on their part. If I had been desirous of recurring to other sources of disquietude, I might, from the allusion of his Lordship to the conduct of this Government towards the sea, have deduced other motives of apprehension, on which, from the solicitude you evince to establish a contrast between the temper observed on your part towards us, I might have conceived myself justified in dilating. I might have adverted to the privateers originally fitted out at Charles-Town at the commencement of the present hostilities, and which were allowed to depart from that port, not only with the consent, but under the express permission of the Governor of South Carolina. I might have adverted to the prizes made by these privateers, of which the legality was in some measure admitted, by the refusal of the Government to restore such as were made antecedently to the 5th of June 1793. I might have adverted to the permission granted by this Government to the Commanders of French ships of war, and of privateers, to dispose of their prizes by sale in ports of the United States. I might have adverted to the two privateers La Petite Democrate (now La Cornelia) and La Carmagnole, both illegally fitted out in the river Delaware, and which, in consequence of my remonstrances, and of the assurances I received, I concluded would have been dismantled; but which have remained during the whole winter in the port of New-York, armed, and now are, as I am informed, in a condition to proceed immediately to sea. I might have adverted to the conduct which this Government has observed towards the powers combined against France in the enforcement of the embargo; for, while the vessels of the former are subjected to the restriction of that measure, those of the latter have been permitted to depart from Hampton Road, though three weeks had elapsed subsequently to the imposition of the embargo; though they were amenable to its operations, and though they were chiefly laden with articles calculated to support an enemy whom we are seeking to bring to peace. I might have adverted to the uniformly unfriendly treatment which His Majesty's ships of war, and officers in His Majesty's service, have, since the commencement of the present hostilities, experienced in the American ports; and, lastly, I might have adverted to the unparalleled insult which has been recently offered at New-Port, Rhode Island, not by a lawless collection of the people, but by the Governor and Council of that State, to the British flag, in the violent measures pursued towards His Majesty's sloop of war Nautilus, and in the forcible detention of the officers by whom she was commanded.

I have, however, forborne to expatiate upon these points, because I am not disposed to consider them, as I have before stated, as necessary elucidations of the immediate object of your letter, and much less to urge them in their present form as general topics of recrimination.

begun to march, though the subsidy we had paid for their assistance was unprecedented in the history of the country.

Mr. LONG said, he could give no answer on the subject of proroguing Parliament; but he was under the necessity of agreeing to the amendment, because the honourable gentleman who moved it had an opportunity of counting out the House. [The Speaker had been put into the Chair by the Black Rod's summons to attend the royal assent being given by commission to bills in the House of Peers, about twenty Members only were present].

Mr. SHERIDAN said, it would have been more decent for the honourable gentleman who moved to adjourn till Friday, to give any reason for agreeing to the amendment, rather than confess that attention to the interests of their constituents in the House of Commons, was only a secondary object in their contemplation. He must persist in the amendment, and give notice to the few Members present, that on Thursday next he should make a motion on the state of the country with respect to the war.

The amendment was put, and carried, and the House adjourned till Thursday.

Thursday, 10th July.

Mr. SHERIDAN said, he was extremely happy at the attendance of the right honourable gentleman, (Mr. Chancellor Pitt) in the House this day; for it afforded an opportunity to have, what some time ago he despaired of having, a few words at parting, for he had feared that His Majesty's Minister had continued in the resolution of treating the House of Commons as of less importance for him to attend, than what he might call the pressure of State affairs. He rejoiced also that two alterations had just been made (alluding to the new writs) on account of vacancies made in that House, by the acceptance of certain offices in His Majesty's disposal. They all knew when gentlemen vacated their places, that others might succeed them; that this was done for no other purposes, but that these offices might be better executed than they were before. He heard one of the writs moved for with regret, that for a right honourable gentleman (Mr. Burke) who, for so many years, had sedulously exerted himself in the public service, but he was happy to understand that the right honourable gentleman was put into an office of profit, suited to his eminent services and abilities. He understood that the Minister came to the House to-day, to make a motion for erecting a monument, at the public expence, as a testimony of gratitude to the memory of two brave Officers, (Captain Harvey and Captain Hutt) and that, Mr. Sheridan said, he had no doubt would

pass unanimously. His motion (he meant that which he should make in the first instance) did not go to that which he was sure was the duty of Ministers to advise His Majesty, not to prorogue Parliament, although in one event it might be followed up by such a motion; for nothing, in his opinion, was more necessary at this moment, than that that House, His Majesty's national, constitutional, and best advisers, should continue sitting to deliberate on important public affairs at this aweful crisis. But before he should proceed to bring that matter forward in the shape of a motion, he should require of the Minister some information on great and important points; and on that would depend much of what he had to say on the prorogation. If the affairs on the Continent had been, as they now are, in the months of February or March, or April, he believed there was not one man in that House who would not say that Parliament ought to have made some inquiries into them, for they were certainly calamitous in an alarming degree to this country. If events had been at that time as they are now, he would say again, it would not be possible for the Minister to pass them over, without giving to the House something in the nature of an explanation, he must therefore now call for an explanation from those who were the best qualified to give it. Not more than six weeks had elapsed since the object of this war, on the part of our Government, was avowed, and whatever might be thought of the prudence, there could not be two opinions on the candour of that avowal, it was stated in express terms to be the extermination of the present Government of France; it was added, by way of shewing the sincerity of that declaration, that we ought to employ the last man and the last guinea which this country could spare for that purpose, if necessary; for that at all events, with all risks, under all hazards, we must subdue France, and dictate to them a form of government. At this period, and under all the circumstances of our situation, did he say too much, when he said that to the conviction of every man in that House, and every man in this country, qualified by information to form an opinion upon the subject, that that object was chimerical and impracticable, and now he was sure he had a right, the Public had a right, to demand from Ministers whether that object was or was not now abandoned. To demand to know, in explicit terms, what was the real object of this war on our part at this moment? This was absolutely necessary for the people of this country; for without it, they could not know what situation they were in, for hitherto they had met with nothing but deception; what conjecture could they form of the future by examining the past? Had there been a hope cherished that had not been entirely disappointed? Had

there been one promife made to the people of this country, that had not been completely broken? He would venture to fay not one.—Minifters, at the commencement of this dreadful war, had indeed been oppofed; but when once engaged in it, they had not been denied a fingle man or a fingle guinea for carrying it on. They told the Houfe, and they told the Public, they had the moft fanguine expectations of the moft defirable fuccefs, if proper refources were granted to them. They were not deferted by the Houfe; they had the moft ample refources; they applied for a fubfidy to the King of Pruffia, to an unprecedented, to an enormous amount; they had it. They applied for a long fubfidy to the King of Sardinia; they had it. They applied for unlimited power with regard to employing French emigrants in the King's fervice; they had it.—What had been the confequence of all this?—Defeat, difafter, and difgrace following each other in rapid fucceffion, until we came to the climax of calamity, and whenever inquiry was called for, Minifters preffed on the Houfe to abftain from entering into any, alledging it to be a dangerous thing to interrupt the affairs of Government; and indeed by their rule, it would feem that they expected the Houfe and the Public would give them credit for abilities in future, in proportion as they manifefted their incapacity by the paft, and that they were entitled to fupport from the Public, in proportion as they continued to delude them; that they deferved truft in proportion as they betrayed it. They had got a deal of credit in that Houfe, and fome with the Public, for the wifdom of their plans; now he fhould be glad to know what they had to fay on their favourite plan of marching to Paris. On what ground would they maintain the practicability of that decifive ftroke? Did they mean to rely on the affiftance of the King of Pruffia, a Prince ftated to have been fo fond of military glory—by the way he fhould be glad to know whether that Prince had actually received any fubfidy from this country; and if he had, what fervices he had rendered? Whether he had marched any troops to co operate with ours? And if he had, what their number was? What they had done? And where they were now ftationed? What articles of the treaty between him and us the King of Pruffia had fulfilled? Whether he had fulfilled any, except one—the receiving of our money? Thefe were points, Mr. Sheridan faid, the Houfe of Commons were bound in duty to inquire into before they feparated, and he did not know how they were to face their Conftituents without knowing fomething upon thefe topics. He was one of thofe who thought that the King of Pruffia had not done his duty to this country for the enormous fum of money which we agreed to give him; for if we did pay

him for sending his troops to destroy the effect of French principles in Poland, he was one of those who were unable to discover of what use it was to us that the troops of the King of Prussia should be employed in convincing the Poles that they ought to submit to be robbed and plundered. He did not see what the Minister was to say upon that subject, or what defence was to be set up. If the Minister did not imagine that the King of Prussia would have acted as he has done, the answer was, it was his business to have so imagined, for he was warned of it in the course of the debates on the granting the subsidy, and he might have been taught to expect it from experience of the conduct of that Monarch.—He was warned also of what might be the conduct of the Emperor and all the allies in this war; what had been predicted on these points had actually happened, and that so clearly and plainly, that to say they were events which might not have been expected, was a subterfuge unworthy of a British Minister—unworthy of any man who had any value for his character for judgement or integrity. If on the other hand the Minister should say, this was not owing to the wilful neglect of the King of Prussia, or to the insincerity of the Emperor or any of the allies, but owing to the prodigious number of the French as an armed nation, there again the Minister was without excuse; for he knew the French to have long been an armed nation, for he had stiled them so himself most emphatically, and he must have either wanted judgement to foresee the event that had happened, or precaution to provide an adequate remedy against it. But taking it for granted that the treaty with the King of Prussia was a wise one on our part, he wished to know why the forces of that Prince were not brought to co-operate with ours in Flanders? And why our own were not employed there instead of being employed in holding out false hopes to the poor Royalists in France. He did not profess to be any thing of a military man, but he trusted that common sense was of itself sufficient to point out the absurdity of any of the allies in this war employing any of their troops to assist the Royalists in France, while their presence was so essentially necessary in Flanders. The effect of this policy was now obvious to every body, we had totally failed of our object in the war. That object, so pompously described by the Minister, was now become totally impracticable. Instead of destroying the present Government of France, receiving indemnity for the past and security for the future, and forming such a Government for France as shall appear to be a proper one, we were now at war for the defence of Holland! In this view of our affairs, he could not think it unreasonable for that House to call on the Minister to say explicitly, Whether Government still persevere

in their declared object of this war? And in asking this question, he observed, that he should have much more satisfaction, if the right honourable gentleman, who was now reposing in the cool shade of the Chiltern hundreds, was present, for it seemed he was to be War Minister; but on account of the Public he must demand, and he was sure he was intitled to an answer,—What is now the object of the war? The project of destroying the Government of France was the most unfortunate, as well as the most foolish, that ever entered into the head of any man; and yet that right honourable gentleman he had hinted at, who was now absent, had said, we must either destroy the Government of France or perish in the attempt. This assertion, coupled with the absence of the gentleman who made it, was, under all the circumstances, an additional reason why Parliament should not be prorogued now. As to the manner in which it had been thought proper to unite different persons under one administration, for conducting the present war, Mr. Sheridan was pointedly severe on the inconsistency of the Minister and of his new associates, contrasting their present union with the avowed principles held by the Whig party, as expressed in the year 1784, and insisted upon in the last session of Parliament, that it was inconsistent with the dignity of Parliament to countenance the manner in which the present Administration had got into power, until some atonement had been made by them for the violation of the principles of the Constitution; something of an extraordinary nature, he insisted, must have happened, before such persons could have sacrificed their consistency, and, in his opinion, their honour—either that the present Administration was weak, and inadequate to the task they had undertaken, an idea which, whatever the Public might think of them in other respects, they would never allow—or, that the country was in such a situation as to call for an union of party without any regard to consistency of character—or that the responsibility of proceeding on the present system, ought to be divided between Ministers and those who had constantly opposed all their measures. In either of those events he was intitled to call for an explicit declaration of the object of the war, for in any view of it the event conveyed an idea of the desperation of the cause—perhaps indeed he should be told, that the success of the allies had tended to unite the French, but that now their project had failed, the French would again quarrel among themselves—he believed that this idea would meet with nothing but the most severe censure of the Public. Most particularly he felt it his duty to press an inquiry as to the situation of this country and the King of Prussia, and that was the first point of what he had to submit to the House; we had

voted a large ſum of money to that Prince, and it did not appear that he had done any thing towards performing his part of the engagement; and on that particular account the Houſe was intitled to an explanation, and the Public, through their medium, expected to be ſatisfied in that reſpect.

With regard to America, he ſaid that there was not any thing more odious than the whole character of the preſent Adminiſtration of this country. Every perſon who had any correſpondence from that country knew that to be a fact. It was true there were two parties in America. The one violent and raſh, favourers of the principles of the French in their moſt blameable exceſs; the other wiſe and moderate, and willing to ſacrifice a great deal for the ſake of preſerving the bleſſings of peace, but, all to a man, they cenſured the character of the preſent Adminiſtration. If Miniſters thought otherwiſe, they had either been very ill informed or very inattentive upon that ſubject. He mentioned, on a former occaſion, a paper containing a ſpeech of Lord Dorcheſter to the Indians; and then the right honourable Secretary of State had been pleaſed to treat it as a forgery: yet this now turned out to be authentic. Now he wanted to know whether this was avowed by Miniſters, and if it was agreeable to the direction which they gave to that noble Lord, and what was now intended to be done in conſequence of it? If Miniſters ſhould ſay this was a point on which they could not give any ſatisfaction, he ſhould not preſs it any farther; but he thought it his duty to mention it, that the Miniſters might avail themſelves, if they thought fit, of an opportunity of ſatisfying the Public upon that very important ſubject: perhaps, indeed, the Americans relied on the character of the Adminiſtration of this country; having witneſſed the petty, miſerable, annual expedients they had adopted, thought they would retract any thing they had advanced, and for that purpoſe had given Mr. Jay full power and diſtinct directions to negociate; but as nothing that could be done by Adminiſtration, could poſſibly ſatisfy the Americans without the expreſs recognition of Parliament, he thought that of itſelf a very good reaſon why Parliament ſhould not at this time be prorogued. Upon this head he ſhould only ſubmit to the Miniſter the propriety of his giving ſome ſatisfaction to the Public. If the Miniſter ſhould be inclined to give the Houſe any information with reſpect to America; if he was inclined to give any explanation with regard to, and the ſubſequent conduct of, the King of Pruſſia, if he was willing to give the Houſe, in ſhort, any explanation with regard to the preſent war, as to the preſent object of Government in carrying it on, or to afford the Public any light on our preſent ſituation, then, Mr. Sheridan ſaid, he

should follow up his first motion, with another, to address His Majesty not to prorogue Parliament until an opportunity should be had of receiving such information; but if, on the contrary, no such information was to be given, the subsequent motions would be useless, and therefore he should not attempt to make them. On looking at the conduct of the King of Prussia, he observed, it was impossible not to advert to the conduct of all our allies, particularly on the point of faith in the punctual observance of engagements. We were told that we could not propose any terms of peace with the French, because they have not a Government to be depended upon. It was not their want of morality or religion, but their want of a regular Government, that was our objection to treating with them. What was this but an insolent mockery to the common sense of mankind? What has been done to prove the good faith of the King of Prussia to be depended upon? What has been done by the Emperor to prove that he was to be depended upon? What had been done by the King of Sardinia to prove that he was to be depended upon? What had been done by the King of Spain to be depended upon? What had been done by the Empress of Russia to prove that she was to be depended upon? In short, what, he would ask, had been done by any of our allies, separately taken, or all of them jointly, that was to be depended upon? And how were the people of this country to be the dupes of all the other powers in Europe, in this mad crusade? Here Mr. Sheridan entered into a detail of various particulars of affairs on the Continent, and in the Mediterranean, and maintained that the only power in Europe which had been faithful to its promise, was that of France, which although he blamed its excesses, he was bound to confess had been punctually observant of its promise: It had promised to drive its enemies, and it had done so. It had vowed an enmity with the despots of Europe, and manifested its sincerity by the most tremendous exertions. Why therefore was France to be called the only power in Europe, on whose promise no reliance could be placed? Only because it was the only power in Europe that had been faithful to its promise! He wished to hear no more of this style of insolence to the Public; indeed he had some hopes that the high characters who had now with so much sacrifice to their consistency, and he must still insist, with so much sacrifice to their honour, taken an active share in Administration, would reflect on the situation they are in, and remember that now they partake of the responsibility attached to the conduct of this war, a war which one of them, who is now to be a war Minister, had described to be, "*Bellum usque ad internecionem.*" He had hopes, he said, that they would reflect on their situation, and on the situa-

tion of this country, and exert their efforts to put an end to this infane fyftem. He hoped they would reflect on the warning given to them by his right honourable friend. But if, deriding all demonftration and experience, this ruinous and mad crufade was really to be perfevered in; if this infatuated Adminiftration had gained nothing by their new alliance but an additional infufion of rafhnefs and obftinacy, he was confident the hour was not far off when the duped and deluded people of this country would lofe at once their credulity and their patience, when a folemn hour of account would come, an hour which their having feduced others to fhare the peril of, would neither ward off nor protract, when the eyes, the hopes, the hearts of the nation would be turned to one man, to his right honourable friend, whom he fpoke of more willingly in his abfence (Mr. Fox was not in the Houfe,) a man in whofe mind, however its generous nature might be wounded by a feparation from long-formed and dearly-cherifhed connections, he was confident, there would ever be found a paramount attachment to the fafety, the profperity, the independence of his country, and to the liberty and happinefs of man in general, a man who, at this very moment, he believed, did not to the public eye appear lefs for being more alone; on the contrary, who feemed to ftand on higher ground from being lefs furrounded. To him, in the ftormy hour, the nation would turn, and they would find him,

"Like a great fea-mark, ftanding ev'ry flow,
"And faving thofe that eye him."

Mr. Sheridan obferved, that in all points in which he could view our prefent fituation, he faw abundant reafon for Parliament entering into an examination of it, and coming to fome determination for the fatisfaction of the Public. He concluded with moving,

"That there be laid before the Houfe, an account of monies iffued to and received by the King of Pruffia, in purfuance of the treaty concluded between His Majefty and the King of Pruffia, figned at the Hague, the 19th of April, 1794, together with an account of the troops which have been employed in concert with His Majefty's troops, in purfuance of the fame treaty."

Mr. GREY feconded the motion.

Mr. Chancellor PITT. Before I advert to the three points on which the honourable gentleman has expreffed his defire to receive fome information, I fhall think it neceffary to take notice of one or two circumftances, to which he alluded in the introductory part of his fpeech. He began with ftating, that he was happy in having an opportunity afforded him to addrefs the Houfe in a few parting words, and this he accompanied with fome reflections on the negli-

gence, which had been lately ſhown by Miniſters in point of attendance on their duty in this place. On this head I have only to obſerve, that it has generally been underſtood that all public buſineſs has for ſome time paſt been cloſed, though it was deemed expedient to keep the Houſe ſitting by ſhort adjournments, for reaſons which are ſufficiently obvious, and to which indeed the honourable gentleman has in the courſe of his ſpeech alluded. Neither I, nor my colleagues, had any intimation of the honourable gentleman bringing forward any motion till the other day, that his notice was given, and undoubtedly we could have no deſire of provoking a diſcuſſion, which is in its own nature more calculated to retard, than to promote any object of public benefit. As to the other gentlemen, who have vacated their ſeats for the purpoſe of taking a more active part in His Majeſty's ſervice, no excuſe can ſurely be neceſſary for their non-attendance. And for the abſence of my colleague (Mr. Dundas) it is to be regretted that a ſevere domeſtic misfortune affords but too juſt a plea on the preſent occaſion. I ſhall now very ſhortly advert to all the points brought forward by the honourable gentleman; into all of theſe points, excepting one, it would be highly indiſcreet and imprudent for me at preſent to go into any length. Theſe three points on which the honourable gentleman is deſirous to obtain information, are, 1ſt, What is the preciſe object of the war, in the ſituation in which we are now placed? 2dly, Whether any part of the Pruſſian ſubſidy has yet been paid? 3dly, What is the ſtate of the treaty between America and this country? I ſhall bye and bye give my reaſons why I abſtain from entering upon the two laſt points. As to the firſt, I ſhall clearly and unequivocally ſtate what is the preciſe object of the war, not upon any miſconception or miſrepreſentation of the honourable gentleman, but as it has been uniformly held out, and is at preſent acted upon by us. The honourable gentleman has had recourſe to a very curious method, in order to deſcribe what is our object in the war. He has deſcribed it by quoting an expreſſion of an honourable gentleman near me (Mr. Jenkinſon,) by adding to that expreſſion what actually was never ſaid, and by introducing, as a ſentiment of ours, what in reality was a phraſe employed by thoſe who coincide in ſentiment with him, in remarking upon our conduct. I admit that the phraſe of marching to Paris was, on one occaſion, employed by an honourable friend near me; but I deny that the conqueſt of France was ever talked of by any on this ſide of the Houſe, or that the war was ever deſcribed by them as *bellum ad internecionem*. That expreſſion, on the contrary, was only applied to the war by gentlemen of oppoſition. But if it be ſaid that the deſtruction of the Jacobin Govern-

ment of France is our object, I have no hesitation to confess that such is the object, which we have ever avowed, and to which we still look in the present moment. And I will assert, in opposition to what has been insinuated by the honourable gentleman, that this object cannot be more warmly or steadily pursued by any new Ministers, than it has already been by those who have had the honour of advising His Majesty in the conduct of the war. But to those who confound this object of the destruction of the Jacobin Government with a *bellum ad internecionem*, or suppose that we must necessarily have in view the conquest of France, I answer that is a war not for the conquest, but for the emancipation of France; it is a war for the destruction of an usurped power, hostile indeed to this country, but ruinous to that over which it is exercised.

That such is the light in which the war has been uniformly held up by Ministers, I need only appeal to the common recollection, and common candour of every Member of this House. Let the honourable gentleman, who appears as the apologist of the French Government, though occasionally forced to join in condemning the tyranny of its proceedings, state that the people of that country are united in loving a Government by which they are held in the most cruel oppression, let him dilate on the energy of its character, and the extent of its resources, but let him fairly state what is our object, not by the combined efforts of all the despots (an expression which I am sorry to find that he has employed on the present occasion, as it is the same which is adopted by the National Convention) but by our own efforts, in conjunction with those of every regular Government in Europe, to afford France the means of working its own deliverance, and to effect the overthrow of a power equally at enmity with the happiness of its subjects, and the general order of society. In that object, in spite of temporary difficulties and temporary disappointments, we are determined to persevere with a vigour proportioned to the obstacles which we have to encounter, till at last we reach the end which we have in view, though hitherto placed at a distance; and obtain, upon a footing of permanence, peace which can only be valuable so far as it is secure. Such is the object which was stated in His Majesty's Speech of last session, and which has been so often repeated in the present, however it may have been misunderstood or misrepresented by those gentlemen who have opposed the war. This object remains precisely the same, as it ever has been since the commencement of the contest in which we are engaged. And surely we should be liable to the charge of the greatest imbecillity, and the most disgraceful timidity, if, after having been parties to all the pledges and declarations, which have so

repeatedly been made, we should allow the ill successes of a few weeks, the temporary evacuation of a country, so much exposed to suffer from all the accidents of war, and whose fate it has so frequently been, in almost every contest, to undergo a change of masters, and successively pass into different hands, so to unnerve the tone of our minds, so totally to cloud every prospect of a favourable issue, as to induce us to discontinue our exertions, and finally abandon our object. Do we not recollect the price which the enemy have paid for that partial success, which they have been able to atchieve, and the favourable circumstances, in which, taking in all the contrast of situation, we still can maintain the contest. I think not so little of myself, or of the country, with the care of whose interests I am to a certain degree intrusted, as to suppose, upon the whole, that from the influence of a few sinister events, we should have recourse to a measure so humiliating as to recede from all the principles to which we have so solemnly pledged ourselves, and renounce an enterprise in which our most important interests are involved. Mortified and disappointed, I must indeed confess, myself, that the success on the Continent has not, in some late instances, been equal either to the justice of our cause, or the vigour of our exertions; but were that ill success ten times greater than it hitherto has been, it would not one jot alter my opinion with respect to the prosecution of the war, and the propriety of rejecting the advice of the honourable gentleman, which, if pursued at the present moment, would, in my view of circumstances, lead to a conduct equally imprudent and disgraceful. The honourable gentleman asks what promise has been hitherto made by Ministry that has not been broken? I answer, that no promises were made. We only pledged ourselves upon principles; we only engaged for exertions. Should we adopt his advice, we would then truly forfeit our pledge. But while we stated that no exertion would be wanting on our part, did we ever promise that these exertions would be attended with success? Nor will I, at this moment, hold out to you any sanguine grounds of hope or confidence. I will only state, that in this moment of temporary difficulty, and considerable disappointment, my hopes of ultimate success are by no means sunk; I think so well of the Powers of Europe, as to believe that they possess the means of destroying the common enemy, and that no inclination is wanting to co-operate cordially for this purpose; and confident I am that a good example will ever be exhibited to the other Powers on the part of this country, both in point of zeal and exertion in carrying on the contest. As to the Prussian subsidy, I have only to observe that His Majesty's Ministers are responsible, both for not being deficient in fulfilling the terms of

the treaty with respect to his Prussian Majesty, and for enforcing, as far as they can, the execution of those stipulations entered into with respect to this country. On their responsibility the matter must at present rest. Where these troops ought to be employed, whether they have been most useful in the position which they have hitherto occupied, or ought to be transferred to some other situation, and what are the views at present entertained with respect to their future destination and employment, are questions, which no man who wishes well to the success of the war can possibly desire me to answer. As to the state in which this country is placed with respect to America, the moment that a person has arrived in order to adjust any difficulties that may have arisen between the two countries, and form a permanent arrangement with respect to the future, is surely of all other the most improper moment for the discussion proposed by the honourable gentleman. Such a discussion could tend only to throw difficulties in the way of negociation, and defeat the effect of any arrangement that may otherwise take place. I do not know whether what I have said on each of these points will tend to induce the honourable gentleman to withdraw his motion of which he has given notice, to address His Majesty not to prorogue Parliament, in order that it may continue to sit by short adjournments: in the event of his making such a motion, I shall certainly for the reasons which I have now assigned, give it my decided negative. What is the tendency of such a motion, but that Parliament should continue sitting in order to supersede, or control, the functions of the Executive Government? If it is fitting that the war should be at all proceeded in, it is fitting that it should be conducted by those whom His Majesty has appointed for that purpose, and who are responsible for the exercise of the trust reposed in them. That Parliament should continue sitting in order to watch the conduct of the King of Prussia, is a proposition only less absurd, than that it should take upon itself the care of managing a negociation with America. The honourable gentleman has stated that the Ministry of Great Britain are unpopular in America; he has admitted, however, that there is in that country a Jacobin party attached to the French interest; that with such a party Ministers here should be unpopular, can to them be subject of no regret, but that the honourable gentleman's correspondents in America should be Jacobins, is a circumstance, which, if he did not state, I certainly should not take upon me to affirm. Whether Ministers be popular or unpopular in that quarter, their popularity in this country must depend upon their opposition to Jacobin principles, and to those who would favour their introduction here, and sure I am that Ministers have not lost more

popularity in America, than has been loſt in this country by thoſe Members who have eſpouſed the ſame way of thinking with the honourable gentleman. There is another part of his ſpeech upon which I muſt remark. He has ſaid, that no ſupply demanded by Miniſters has been refuſed by the Houſe, while no one exertion that has been made in the courſe of the conteſt has been attended with ſucceſs. From that readineſs and alacrity which has been ſhewn by the Houſe in granting ſupplies, I gather their ſupport to the object of the war. But let me remind that honourable gentleman, that he and his friends have no right to found any claim upon their readineſs in granting ſupplies. They have even ſtated objections againſt the ordinary mode of raiſing troops, and made it the object of ſevere criticiſm. The meaſure of arming the country for its own defence, and for this purpoſe of calling forth its zeal and energy by a voluntary ſubſcription, they moſt ſtrenuouſly oppoſed. That meaſure has now been moſt eminently ſucceſsful; it has inſured the protection of the country, and placed that Conſtitution, which thoſe gentlemen affirmed it invaded, beyond all reach of attack. When it was next propoſed that this country, rich in pecuniary reſources, more than in perſonal exertions, ſhould, for the purpoſe of increaſing its efforts, and carrying on with greater vigour the operations of the war on the Continent, ſubſidize ſome of thoſe military powers, whoſe force chiefly conſiſted in the number of their ſoldiers, whom, without ſupplies of money, they could not ſupport in the field—this propoſition was no leſs reſiſted by the honourable gentleman. The ſame oppoſition was extended to the meaſure that had for its object the arming of France againſt its uſurped Government, in order that by the co-operation of the ſound part of the French, the allies might more ſpeedily and effectually ſecure the object of the war. Such is the ſituation in which the honourable gentleman ſtands with reſpect to the ſupport given to the Miniſtry of this country. But his alarm is now ſtated as ariſing from recent events at home, which ſeem to have made a ſtrong impreſſion upon his mind. He ſays, that the danger muſt ſurely be alarming, and the neceſſity urgent which could in the preſent moment produce an union of thoſe who formerly differed in political ſentiment; And what greater neceſſity can there be to faithful guardians of the Conſtitution and ſincere lovers of their country, than to unite in oppoſing the progreſs of a ſyſtem, which threatens the exiſtence of the Throne, the authority of Parliament, and the tranquillity of the country?—We are not now contending whether this or that family is to govern the country; we are not diſputing about conſtitutional points, about a reform in the repreſentation of the people, or a new ſyſtem for the adminiſtration

of India; we are not contefting the wifdom or policy of a peace made twelve years fince, but we are called upon in the exiftence of a war to decide what is the beft mode of defending our liberty and property, of providing for the independence of this country, and the fecurity of Europe. If we tender thefe objects, if we cherifh the memory of our anceftors, if we regard the interefts of our pofterity, we can have no hefitation in perfevering in the prefent conteft with undiminifhed ardour, and increafing exertion. On thefe principles we are united, on thefe we will continue to act; whatever may be the degree of fuccefs, our exertions fhall not be wanting, animated by the firm determination to facrifice every thing, even life itfelf, if it fhould be neceffary, in maintaining the caufe in which we are engaged. Such are the fentiments which I have ever avowed, and I have only to return my thanks to the honourable gentleman for the additional opportunity he has afforded me of repeating them on the prefent occafion.

Mr. GREY faid, that he had liftened to the right honourable gentleman with the moft fixed attention.—The right honourable gentleman had given to the queftions put by his honourable friend, exactly that fort of an anfwer which he expected to hear from him,—he had treated the prefent diftreffing fituation of our arms, merely as a temporary accident which was the effect of the chance of war, and which the chance of war might as foon repair. But he defired the right honourable gentleman ferioufly to confider what our condition now was. It was now the fecond year fince we had involved ourfelves in the prefent calamitous hoftilities, and how were we fituated? After an expence of above twenty millions, and an ufelefs wafte of blood, we were precifely juft where we were, having loft, in the prefent campaign, the Netherlands, which it had been our boaft fo much to have recovered during the laft. After all this diftreffing expence, attended alfo with fuch unfavourable events, it would become highly neceffary to confider the probability of fucceeding in the extermination of the Jacobin Government of France, which now was unequivocally ftated to be the ultimate point and defired end which we propofed to effect by carrying on the war. His honourable friend had been rather feverely treated, becaufe he had ftated that extermination was the object of Minifters; but it had been undefervedly, for it was evident, however they differed in term, in effence that was the object meant. The Minifter faid it was not the extermination, but the deftruction of the prefent Government of France that was their object. He profeffed he was totally at a lofs to difcover where lay the real and effential difference between the two ideas conveyed by thofe words. The queftion for

conſideration then was, What was the probability of exterminating, or deſtroying, if they liked the word beſt, the Jacobins of Paris? Was not this to be effected by our armies, and could it be done without the conqueſt of France, which was ſo much denied to be their intention by the gentlemen oppoſite to him? We had now the events of two campaigns before our eyes, and they would prove as very important leſſons to us, if we were prepared to draw inſtruction from them. After all that had now paſſed, could we entertain any well-grounded hopes, founded upon experience, that we had made any progreſs towards our object;—quite the contrary. After all the expence already incurred, after all the lives already ſacrificed, we were exactly at the point from which we ſet out. This was ſpeaking the moſt favourably of our ſituation, for it was not clear that we were not in a worſe ſituation than when we firſt entered into this war. The right honourable gentleman had built much upon the aſſiſtance we were to receive from the well-diſpoſed inhabitants of France; but how had that turned out in point of fact? Were the people of Toulon to be taken as an example? Did they flock to our ſtandard when we offered them a Government which was ſuppoſed to be moſt congenial to their wiſhes? Or were the inhabitants of the northern frontier to be adduced as inſtances of what might be expected from the co-operation of the loyal French with our own armies? In the moſt favourable and ſucceſsful period of our arms, we found no ſuch inclination on their parts. Where did the right honourable gentleman diſcover any of that inclination, which he had repeatedly aſſured the Houſe, dwelt in the hearts of thouſands, and would immediately diſcover itſelf when the opportunity ſhould preſent for ſo doing? Nothing appeared to juſtify the ſuppoſition; yet, nevertheleſs, it was now declared in that Houſe, by the right honourable gentleman, that were affairs ten times more diſaſtrous than at this moment they are, he would ſtill perſevere. He rejoiced much to hear him make ſo pointed a declaration; at the ſame time he conſidered it as truly alarming. But he rejoiced, becauſe now the public were now in full poſſeſſion of what his ſentiments were; and therefore would no longer be enveloped in that impenetrable veil of ſecreſy and myſtery which had ſo long ſhrouded all public tranſactions. He muſt, however, again add, that though he rejoiced to hear ſuch a direct avowal of what the intentions of Miniſters were, he felt much alarmed at that determined obſtinacy with which he perceived them actuated. How much longer were we to attempt to accompliſh a point which all the experience we had attained upon the ſubject, demonſtrated to us to be impracticable? Were we to purſue it until we had plunged ourſelves into inextricable

ruin? Some of those papers which, in behalf of Ministers, were incessantly labouring to mislead and delude the public mind, had lately made use of this curious argument, to reconcile us to our present misfortunes—That now that all danger from without was likely to cease, the French Government must of course crumble to pieces by internal divisions. Happy prospect this, where defeat is victory, and where the only hope of advantage must be derived from a continuance of loss and disappointment! How much longer were we to persist in such absurdity! What greater and more disastrous losses were we to endure, before we could be induced to relinquish an object so unattainable! What waste of blood and treasure was this miserable country fated to continue to deplore, ere we should be induced to acknowledge that Republic, which, he openly and boldly avowed it as his opinion, we should, sooner or later, be necessitated to do. The right honourable gentleman looked as though he was surprised at this assertion, but he again repeated it, he believed, and experience justified the conclusion, that we should be compelled to negociate with that Jacobin Government we now affected to destroy. He reminded the House, that the present were not the only or first Ministry who had held the same lofty language, and had been obliged to recant. Ministers had surely forgotten the case of America. There, that same Congress which had been held out as traitors and rebels, were at last admitted as the legal representatives of free people. He and his friends had repeatedly endeavoured to persuade the House, though ineffectually, to adopt the mode of negociation. He now again made the same attempt, before it was too late. We had certainly met many disastrous accidents on the Continent, but our successes elsewhere had rendered it still in our power to offer terms of treaty without any way degrading ourselves, or abating our dignity as a great and respectable nation. The right honourable gentleman affirmed it to be pusillanimity to sue for peace. He meant no such thing as suing to them, or any other people in the world. He wished for peace, but he wished for it upon no other terms than such as were consistent with the honour and the dignity, equally with the interests of the nation. He had therefore no hesitation to repeat his proposition, and again earnestly exhorted that House, to do that, in the present instance, which they would be bound to do in the end—acknowledge the Republic upon terms reciprocal, fair and honourable to both countries. Such a proposition he had made at the breaking out of hostilities, had repeated it during their progress; and now most seriously and earnestly pressed it again for their consideration and acceptance. The right honourable gentleman avowed himself of an opinion diametri-

cally oppoſite. However ſorry he might be for this in other reſpects, in one ſenſe he was pleaſed at his declared determination to perſiſt in his plan of hoſtility, for he hoped and truſted it would rouſe the country to an interference ſo neceſſary for their ſalvation. He had no doubt, but that numbers, judging from the paſt readineſs with which the right honourable gentleman had relinquiſhed former aſſertions, had indulged the hope he would have done ſo on the preſent occaſion; and ſo they had acquieſced, his conduct upon the preſent occaſion extinguiſhed ſuch hope, and he truſted they would act accordingly. The next point to which the right honourable gentleman had adverted, was the Pruſſian treaty. He had, upon this, as upon former occaſions of a like nature, availed himſelf of the ſtale argument of State ſecrets! Upon this occaſion, he could not help wiſhing for the aſſiſtance of a right honourable gentleman (Mr. Windham) who had vacated his ſeat, and who, upon a former occaſion, had ſo ſucceſsfully and ably combated and expoſed the fallacy of ſuch a defence. The right honourable gentleman affected to ſay he could not explain why the troops promiſed under the treaty had never made their appearance. The motion of his honourable friend went not to inveſtigate into cauſes or effects, but merely to aſcertain a matter of fact, namely, whether the money had been paid, and whether the troops ſtipulated for were employed? This was to be anſwered with the word which poſſeſſed ſuch a charm in it—ſecret! He was ready to admit, indeed, that the whole was a ſecret—a ſecret why the treaty was entered into at all—a ſecret why ſuch a ſum of money was granted—and a ſecret where the troops ſo paid for were now to be found. The next point alluded to by the right honourable gentleman was, our ſituation with America. And here too, he was obliged to have recourſe to his excuſe—State ſecreſy. Upon this he ſhould only obſerve, that the motion, with regard to this part of it, was only offered, in order to afford Parliament an opportunity of timely interfering for the purpoſe of preventing that war, which the obſtinacy of Adminiſtration would give them cauſe to repent of hereafter. A charge had been brought forward by the right honourable gentleman, that thoſe with whom he had been in the habits of acting, had continually oppoſed the meaſures, adopted as neceſſary for the conduct of the war.—He was ready to avow the whole of their conduct upon the occaſion, which he affirmed could not fairly be accuſed of throwing impediments in the way of Government; on the contrary, their conduct during the war was founded upon truly conſtitutional principles, unleſs it were laid down as a fundamental propoſition, that the moment Miniſters choſe to plunge the nation into the miſeries of war, all

opposition to their measures and schemes must become unconstitutional. But what was the fact with respect to this charge against what was termed against the Opposition? In the first place, with respect to the proposition for increasing the internal force of the kingdom, did they oppose the measure itself? On the contrary, did they not endeavour to promote the arming of the country, only endeavouring to render the mode constitutional, by legalizing, with the sanction of Parliament, those subscriptions, which, without such previous consent, they contended, and justly, were perfectly illegal and unconstitutional? In the next place, did they oppose the grant of the supplies? If they opposed the Prussian subsidy, they were ready to grant the same sum to be applied to other purposes, and opposed the application of it in that particular way, because they considered it as an immense sum, disposed for very inadequate purposes. Whether they in their conjectures were right or wrong, let the events declare. Upon the Emigrant Force bill too, what had been done in this measure so highly vaunted of at the time of its proposal, or what force was raised of those five hundred thousand men, which were to flock to our standard the moment the measure was adopted? Upon all these grounds, therefore, of opposition, instead of reproach, they had a claim to praise for their foresight, and he confessed himself proud in the part he had taken upon the several occasions. The last topic treated on by the right honourable gentleman, was the connection recently formed between him and some who had heretofore been hostile to every measure of his Administration. Upon this topic he had little to say. The right honourable gentleman had laboured to state their having passed over many points of difference which had hitherto existed between them; but he had studiously avoided the grand point which had been deemed the insurmountable obstacle to a coalition, namely, the existence of an Administration, which, both by its commencement and continuance, was held to be equally disgraceful to the Commons, and dangerous to the constitution, and which could not be forgiven without full and ample atonement first made for its past misconduct. With those who so thought, and hitherto so acted, was the right honourable gentleman now connected, without any such atonement insisted on or made. He was equally glad with the right honourable gentleman, that the discussion the present evening had given birth to, as affording him an opportunity of stating his sentiments to the country at large, on which he would leave them to make their own comment. At all events, he prayed to God, that that country might not radically suffer by a conduct on the part of Ministers,

which he could not but deem moſt diſaſtrous and ominous with reſpect to its future ſituation.

Mr. SHERIDAN, in reply, expreſſed his thanks to Mr. Pitt, for having explicitly avowed that the object of the war was the deſtruction of the Government of France, at the ſame time he deeply lamented this determination of Miniſters. Had not the experience of two campaigns ſhewn them the impracticability of the attempt? Would not the diſgraces and diſaſters we have ſuffered, within the laſt ſix weeks, convince every man of the dangerous ſituation into which the country had been plunged by the raſh meaſures of Adminiſtration proceeding on this principle, that we had no ſecurity for peace, in treating with the preſent Government of France, which in fact was the only Government that had kept its faith, not indeed with their allies, for France had none, but the Rulers of France had pledged themſelves to the people that they would re-conquer Toulon, and they kept their word: they had promiſed to invade Flanders, and they had totally over-run it: ſo that it ſhould ſeem, that the Republican Government of France was the only one in Europe which appeared to be true to its engagements; for, had not the King of Pruſſia baſely violated his engagements to this country? Was it not the fact, that inſtead of ſending the troops for which he had been paid by us, and which were to have co-operated with the Britiſh in Flanders, (who, in conſequence of his breach of faith, had been expoſed to a ſituation in which their valour was unavailing, that he had employed them for the deteſtable purpoſe of plundering and murdering the diſtreſſed Poles, in conjunction with the Empreſs of Ruſſia, who had likewiſe failed in performing her engagements, for ſhe had not furniſhed a man nor a rouble towards the object of the war, although we had ſtipulated not to make peace without her concurrence. At the time that the Britiſh fleet, with inferior force, for which Miniſters deſerved reprobation, were glorioully combating the enemy, had not the Spaniards refuſed to ſend out a fleet to capture, or to make the attempt on the American fleet, which the French regarded as their grand reſource, the ſailing of which for France, had been previouſly known almoſt for the ſpace of a year. Was it not true that the Dutch, who were ſo proudly ſtiled one of the great Maritime powers, had not a ſingle ſhip of the line at ſea to aſſiſt us. The Emperor had failed in his engagement of keeping up the number of troops he promiſed, as had the King of Sardinia. This country had alſo violated its faith to the Touloneſe, by infringing the terms on which they had ſurrendered their town; and alſo with regard to the hopes held out to the Royaliſts in Normandy of aſſiſtance from us, when we had contented ourſelves with keeping a

body of troops on the coaſt of Hampſhire. Thus it appeared, that the French Government was the only one that appeared to have no privilege to break its faith, which all the allies had done as they found occaſion. It appeared to him, that Miniſters had a patent for miſſtating facts: on a former occaſion, the right honourable gentleman (Mr. Pitt) had, with that pompous declamation which he could aſſume when it anſwered his purpoſe, deſcanted on the great importance of the Netherlands to the general cauſe; but now that the French had poſſeſſion of theſe provinces, the language of that gentleman was, that we ought not to be diſcouraged at a trifling check, or any accidental advantage gained by the enemy. He always had an high idea of the courage of that honourable gentleman; he was ſo valiant that he would by no means be qualified to defend a fortification, for he would not be able to confine himſelf within the ramparts. He ſaid the right honourable gentleman had ſo particularly alluded to his parliamentary conduct, and the oppoſition he always gave to the meaſures of Government, that he thanked the right honourable gentleman for giving him that opportunity of replying to this charge, which he was pleaſed to bring againſt him. He had no heſitation in denying the fact, and he defied the right honourable gentleman to point out an inſtance of his oppoſing any meaſure of Government which was actually neceſſary, or had obtained the ſanction and approbation of Parliament. Upon ſuch occaſions, he might aſk the right honourable gentleman if he had ever oppoſed the ſupplies for carrying into execution the neceſſary operations which had been approved by Parliament. The ſyſtem and object of the war, and the conduct in carrying it on, was what he had oppoſed, becauſe he ſaw it was abſurd, erroneous and deſtructive to the country; and upon all occaſions where he had oppoſed, he had fairly and candidly ſtated his reaſons for oppoſition, which the right honourable gentleman gloſſed over by a general charge of his having uniformly oppoſed every meaſure ſuggeſted by Government, for a proſecution of the war. The right honourable gentleman had inſtanced the oppoſition he had given to the Pruſſian ſubſidy, the ſubſcriptions, and the French emigrant bill. As to the Pruſſian ſubſidy, it was rather unfortunate for the right honourable gentleman's attack, that he had oppoſed it on the ground that no dependance could be placed on His Pruſſian Majeſty, and that he had warned Miniſters of the probability of the troops bargained for being employed againſt the Poles, inſtead of the French, but he had voted for the money being raiſed; his only objection was to the mode of expenditure, and the event juſtified his conduct. In like manner, when he oppoſed the meaſure of ſubſcriptions, it was on conſtitutional grounds; but he had

expresly said that he had no objection thereto, when it should have received the sanction of Parliament. The French emigrant bill he opposed on the ground of its impracticability, for he could not think it possible for Ministers to send into France these unfortunate men, who were certain of being executed if taken by their countrymen; and it appeared, that notwithstanding the pompous declaration of the Secretary of State (Mr. Dundas,) that he expected five hundred thousand emigrants would be embodied; one hundred were not in arms. On the subject of the Prussian troops, the right honourable gentleman (Mr. Pitt) had enveloped himself in mystery. The terms of the treaty with His Prussian Majesty were, that by the 24th of May last they were to have been at the place of their destination, to co-operate with the British: this place must, of course, be Flanders; but now it seems it is a State secret where those troops are, or rather a secret to all the world. He had always opposed the doctrine of placing confidence in Ministers; and, on a former occasion, he had been supported in his opinion by Mr. Windham, whose absence he regretted on this occasion, as he would have expected his coincidence as formerly, on this important point, that no Minister had a right to infer, that there existed a spirit of disaffection in those who would not give implicit confidence to Government in any means which they chose to adopt in carrying their measures into effect. He trusted, that when the gentlemen who were coming into Administration should have considered the state of responsibility in which they were to stand, they would relax somewhat with regard to the extremity to which Mr. Pitt had said the war was to be carried, that we must exterminate the French; for however the right honourable gentleman might quibble in his expressions, such was certainly the precise meaning of them. It had not appeared that the French had asked us to interfere in their concerns, as they seemed well satisfied with their present Government; we had no right to interfere with it. He lamented the dereliction of principle in the Duke of Portland and Mr. Windham, who had uniformly declared that they could not act with the present Administration, on account of the manner they had come into office, in contempt of the House of Commons, and the measures they afterwards pursued. As the day of account must at length arrive, he trusted these gentlemen would consider the perilous situation in which they stood in uniting themselves with Mr. Pitt, and adopt timely measures for the restoration of peace, before it should be too late, while we possessed the means of making it on equitable terms. His object was unequivocally to acknowledge the French Republic.

He was persuaded, with his friend, (Mr. Grey) that we should be compelled to do as we had done in the case of the American war; it was then objected that we could not treat with the infamous Congress, but eventually we were obliged to submit to this humiliation. Now it was said we cannot treat with the Government of France, which yet we must certainly do in the end, for it cannot be supposed that we are to carry on war while there is a man or a guinea in the country. The right honourable gentleman had objected to his using the word despot, as one adopted by the Members of the French Convention; but no insinuation of that kind should have any effect on him: if by the word Monarch was meant the First Magistrate of any well-governed State, he would not apply it to the despot of Petersburgh, or the despot of Berlin, who had been guilty of such atrocious breach of faith, such plunder and murder in Poland; for, in speaking of such nefarious actions, he could not be very nice in the selection of his words. The right honourable gentleman, in speaking of these our worthy allies, had used the phrase "Regular Governments," not a very elegant one, in his opinion; he had, however, no objection to the use of it, and thought that of the French as much entitled to it as any other, if we were to judge from the regularity and discipline of their armies, by which they had conquered the most renowned troops in the world. France had at least been consistent in her threats and promises; we had felt that all she had said or promised to do against her enemies she had done, and that all that we and our allies had promised to one another was still undone. With regard to the object of the war, he was extremely happy that he had brought on this discussion, because it had drawn from the right honourable gentleman an explicit declaration of his precise views, how satisfactory and gratifying it would be to the country to know what these views were, was another question. He had no doubt the honourable gentleman would persist in his opinions and measures: the proceedings of that day evinced his usual obstinacy. Indeed he should not expect him to retract; he knew well the loftiness of his tones, even when manifestly wrong, and his dislike to make apology for the absurdity of his conduct. The day, however, would soon come when his conduct and his views would appear to the country equally disgraceful, resulting from a degree of vanity and rashness, bordering, in his opinion, upon insanity.

Mr. ROBINSON said a few words against the motion.

The question was then put, and negatived without a division.

Mr. SHERIDAN said, that as Mr. Pitt had refused to give any account of the Prussian troops, how, or where they were em-

ployed, or whether Pruſſia had received any part of the ſubſidy or not, he thought it unneceſſary to trouble the Houſe with any farther motion.

Mr. Chancellor PITT, after paying ſome elegant compliments to Captain Harvey and to Captain Hutt, for their gallant conduct in the late Action, ſaid he was ſure the Houſe would not refuſe the ſame tribute of gratitude to the memory of thoſe officers which had been paid before—He ſhould therefore move,

"That an humble addreſs be preſented to His Majeſty, that he will be graciouſly pleaſed to give directions, that a monument be erected in the Collegiate Church of Saint Peter, Weſtminſter, to the memory of John Harvey, Eſq. late Captain of His Majeſty's ſhip Brunſwick, and John Hutt, Eſq. late Captain of His Majeſty's ſhip Queen, who died in conſequence of the wounds which they received in the naval engagement of the 1ſt of June laſt, when a deciſive victory was obtained by Admiral Earl Howe over the French fleet; and to aſſure His Majeſty, that this Houſe will make good the expence attending the ſame.

Ordered,

That the ſaid addreſs be preſented to His Majeſty by ſuch Members of this Houſe as are of His Majeſty's moſt honourable Privy Council."

New writs were ordered for the borough of Honiton, in the room of Sir George Yonge, who had accepted the office of Maſter of the Mint.

Another for New Malton, in the room of the right honourable Edmund Burke, who had accepted of the Chiltern Hundreds.

The Houſe adjourned.

Friday, 11th July.

At three o'clock, His Majeſty came in ſtate to the Houſe of Peers; and being ſeated on the Throne, and the Commons attending at the bar, delivered the following moſt gracious ſpeech:

My Lords, and Gentlemen,

THE ſtate of public buſineſs enables me now to cloſe this ſeſſion of Parliament, in doing which I have again to acknowledge that aſſiduity and zeal for the intereſts of my people, of which you had before given me ſo many proofs, and which have been ſo particularly manifeſted in the preſent year.

I am perſuaded that you entertain too juſt a ſenſe of the nature and importance of the conteſt in which we are engaged, to ſuffer your zeal to be abated, or your perſeverance ſhaken, by the recent ſucceſſes of the enemy in the Netherlands.

In a moment which ſo ſtrongly calls for energy and vigor, it is peculiarly gratifying to me to reflect on the uniform ſkill and bravery of my fleets and armies, the undaunted ſpirit and unwearied exertions of my officers and troops in every ſituation, and the general public ſpirit of my people, which have never at any period been more conſpicuous.

I have observed with the highest satisfaction the rapid and valuable acquisitions made in the East and West Indies, the successful operations which have been carried on in the Mediterranean, and the brilliant and decisive victory obtained by my fleet under the command of Earl Howe, an event which must ever be remembered as one of the most glorious in the naval history of this country.

Gentlemen of the House of Commons,

I return you my warmest thanks for the chearfulness and liberality with which you have granted the large supplies which were necessary for the service of the year, and for the maintenance of a cause equally important to the security and happiness of every class of my subjects.

My Lords, and Gentlemen,

I feel it incumbent upon me particularly to acknowledge your diligence in the investigation of the designs which had been formed against the Government and Constitution of these kingdoms, and to thank you for the confidence you have reposed in me on this occasion. It will be a principal object of my attention to make a vigorous and prudent use of the additional powers vested in me for the protection and security of my people; and relying, as I do, with the utmost confidence, on the uniform loyalty and public spirit of the great body of my subjects, I have no doubt of speedily and effectually repressing every attempt to disturb the public peace, and of defeating the wicked designs which have been in agitation.

It must not, however, be forgotten, that these designs against our domestic happiness are essentially connected with the system now prevailing in France, of which the principles and spirit are irreconcileably hostile to all regular and established Government: And that we are therefore called upon by every consideration of our own internal safety to continue our efforts in conjunction with my allies, and to persevere with increased vigor and exertion in a contest, from the successful termination of which we can alone expect to establish on a solid and permanent foundation the future security and tranquillity either of this country, or of the other nations of Europe.

Then the LORD CHANCELLOR, by His Majesty's command, said,

My Lords, and Gentlemen,

IT is His Majesty's Royal will and pleasure, that this Parliament be prorogued to Tuesday, the nineteenth day of August next, to be then here holden; and this Parliament is accordingly prorogued to Tuesday, the nineteenth day of August next.

SUPPLIES granted by Parliament, for the Year 1794.

NAVY.

	£.	s.	d.
January 31, 1794.			
1. That 85,000 men be employed for the sea service, for the year 1794, including 12,115 marines.			
2. That a sum, not exceeding 4l. per man per month, be allowed for maintaining the said 85,000 men, for 13 months, including ordnance for sea service — — —	4420000	0	0
February 4.			
1. For the ordinary of the Navy, including half pay to sea and marine Officers, for the year 1794	558021	11	3
2. Towards the buildings, re-buildings, and repairs of ships of war in His Majesty's and the Merchants' yards, and other extra works, over and above what are proposed to be done upon the heads of Wear and Tear and Ordinary, for the year 1794 —	547310	0	0
Note. — March 4, it was resolved, That provision be made for enabling His Majesty to satisfy all the bills payable in course of the Navy and Victualling Offices, which were made out on or before the 31st day of March, 1793, amounting to the sum of £.1,930,029 18 11.			
	5525331	11	3

LAND SERVICE.

	£.	s.	d.
February 1, 1794.			
To enable His Majesty to make good his engagements with the King of Sardinia —	200000	0	0
February 4.			
1. That a number of land forces, including 3882 invalids, amounting to 60,244 effective men, commissioned and non-commissioned Officers included, be employed for the year 1794.			
2. For defraying the charge of 60,244 effective men, for guards, garrisons, and other His Majesty's land forces, including those in Guernsey and Jersey, in Flanders, on an expedition under the command of the Earl of Moira, and on board the fleet for the year 1794 — —	1492812	12	2
3. For maintaining His Majesty's forces in the plantations, including those in garrison at Gibraltar, and a corps of foot in New South Wales, for the year 1794 — —	677682	12	4

	£.	s.	d.
4. For defraying the difference between the charge of the British and Irish establishments of five regiments of foot serving in the West Indies, at Gibraltar, and on board the fleet, for the year 1794	50279	13	4
5. On account for the pay necessary to be advanced to one regiment of Light Dragoons and nine battalions of foot for service in East India, for the year 1794 ——— —	8323	17	10½
6. For defraying the charge of recruiting, contingencies, and of the allowances of bread and necessaries for His Majesty's land forces, of the allowance of extra feed to the cavalry in Great Britain, and of the charge of poundage to be returned to the infantry, for the year 1794 ———	219500	0	0
7. For defraying the charge of levy money, and of horse furniture and accoutrements, for the augmentations to be made to His Majesty's land forces, in the year 1794 ——— ———	210000	0	0
8. For defraying the charge of General and Staff Officers and Officers of the hospitals serving with the forces in Great Britain, Guernsey, and Jersey, in Flanders, and under the command of the Earl of Moira, for the year 1794 ———	97389	1	1
9. For defraying the charge of full pay to Supernumerary Officers of His Majesty's forces, including the Officers of independent companies, for the year 1794 ——— —	39118	16	7
10. For the allowance to the Paymaster General of His Majesty's land forces; to the Secretary at War; to the Commissary General of the Musters; to the Judge Advocate General; to the Comptrollers of the Accompts of the Army; and of the amount of Exchequer fees to be paid by the Paymaster General, for the year 1794 ———	64790	18	3
11. Upon account of the reduced Officers of His Majesty's land forces and marines, for the year 1794	146843	10	10
12. For defraying the charge of allowances to several private gentlemen of the late troops of horse guards, for the year 1794 ———	156	9	2
13. On account of the several Officers late in the service of the States General, for the year 1794	3000	0	0
14. Upon account of the reduced officers of His Majesty's British American forces for the year 1794	55092	10	0
15. For defraying the charge of allowances to several reduced Officers of His Majesty's British American forces for the year 1794 ———	4907	10	0
16. For defraying the charge of pensions to be paid to the widows of commissioned Officers, and expences attending the same, for the year 1794	9931	19	3
17. For defraying the charge of the in and out-pensioners of Chelsea Hospital, and the expences of the said Hospital, for the year 1794 ———	151742	5	10

18. For defraying the charge of the embodied mi-

	£.	s.	d.
litia in South Britain, of several corps of fencible men in North Britain, and of a corps of fencible men in the Isle of Man, for the year 1794 —	687420	14	0
19. For defraying the charge of contingencies, of the allowance of bread and necessaries, and of poundage for the embodied militia, and corps of fencible men, for the year 1794 —— —	160000	0	0
20. For defraying the charge of cloathing for the embodied militia in South Britain for the year 1794	93653	3	9
21. For defraying the charge of corps transferred from the Irish to the British establishment, and of augmentations to His Majesty's forces, for several periods, in the year 1793 — —	185667	15	6
22. For defraying the charge of 18,000 Hanoverians, in the pay of Great Britain, for the year 1794	538874	0	0
23. For defraying the charge of 12,000 men of the troops of the Landgrave of Hesse Cassel, in the pay of Great Britain, together with the subsidy for the year 1794, pursuant to treaty — —	304309	0	0
24. For defraying the charge of 3000 men of the troops of the Landgrave of Hesse Darmstadt, in the pay of Great Britain, together with the subsidy for the year 1794, pursuant to treaty —— —	102073	0	0
25. For defraying the charge of 754 men of the troops of the Margrave of Baden, in the pay of Great Britain, together with the subsidy for the year 1794, pursuant to treaty —— ——	24067	0	0
26. Towards defraying the extraordinary expences of His Majesty's land forces, and other services incurred from the 25th day of December, 1792, to the 24th day of December, 1793 — ——	808805	14	4
March 31.			
For defraying the charge of seven regiments and forty troops of fencible cavalry, to be raised for service in Great Britain, from the 25th day of April, 1794, to the 24th day of December following, both inclusive, being 244 days —— ——	300117	16	6
	6,636,560	0	$9\frac{1}{2}$

ORDNANCE.

February 4, 1794.

	£.	s.	d.
1. For the charge of the Office of Ordnance, for land service, for the year 1794 — —	701736	3	8
2. For defraying the expence of services performed by the Office of Ordnance, for land service, previous to 31st December, 1783, and not provided for by Parliament — — —	576	19	5
3. For defraying the expence of services performed by the Office of Ordnance, for land service, and not provided for by Parliament, in 1792 —	925	4	3
4. For defraying the expence of services performed by the Office of Ordnance for land service, and not provided for by Parliament, in 1793 — —	611419	11	8
5. For defraying the expence of services performed by the Office of Ordnance for sea service, and not provided for by Parliament, in 1793 —	30350	3	6
	1345008	2	6

MISCELLANEOUS SERVICES.

February 4, 1794.

1. Upon account of the expences of the new roads of communication, and building bridges in the Highlands of North Britain, for the year 1794 —	4500	0	0
2. For defraying the expence attending the civil establishment of the province of Upper Canada, from the 31st day of December, 1793, to the 31st day of December, 1794 — —	6450	0	0
3. For defraying the charge of the civil establishment of the province of Nova Scotia, in America, from the 1st day of January, 1794, to the 1st day of January, 1795 — — —	5315	0	0
4. For defraying the charge of the civil establishment of New Brunswick in America, from the 24th day of June, 1794, to the 24th day of June, 1795	4400	0	0
5. For defraying the charge of the civil establishment of the island of Saint John, in America, from the 1st day of January, 1794, to the 1st day of January, 1795 — — —	1900	0	0
6. For defraying the charge of the civil establishment of the island of Cape Breton, in America, from the 24th day of June, 1794, to the 24th day of June, 1795 — — —	1800	0	0

7. For defraying the charge of the salaries of the Governor and Civil Officers of the island of New-

	£.	s.	d.
foundland, from the 1st day of April, 1794, to the 1st day of April, 1795, and also of a patent under the Great Seal creating a Court of Civil and Criminal Jurisdiction — —	1344	1	6
8. For defraying the charge of the civil establishment of the Bahama Islands, in addition to the salaries now paid to the public Officers out of the Duty fund, and other incidental charges attending the same, from the 1st day of January, 1794, to the 1st day of January, 1795 — —	4250	0	0
9. For defraying the charge of the salary to the Chief Justice of the Bermuda or Somers Islands, from the 24th day of Jnne, 1794, to the 24th day of June, 1795 — — —	580	0	0
10. For defraying the charge of the salary to the Chief Justice of the island of Dominica, from the 1st day of January, 1794, to the 1st day of January, 1795 — — —	600	0	0
11. For defraying the charge of the civil establishment of New South Wales, from the 10th day of October, 1793, to the 10th day of October, 1794	4795	8	2

February 14.

	£.	s.	d.
1. To make good the like sum issued to James Marquis of Salisbury, Lord Chamberlain of His Majesty's Household, at the receipt of the Exchequer, out of His Majesty's Civil List revenues, pursuant to an address of the House of Lords, of the 20th day of December, 1792, for rendering the House of Peers more commodious, by warming and ventilating the same — — —	465	11	10½
2. To make good the like sum issued to sundry persons, at the receipt of the Exchequer, out of His Majesty's Civil List revenues, on account of the suffering Refugee Clergy and Laity of France —	27692	4	6½
3. To make good the like sum issued to Sir William Chambers, at the receipt of the Exchequer, out of His Majesty's Civil List revenues, on account of works at the Fleet Prison — —	3376	8	0
4. To make good the like sum issued to Sir William Chambers, at the receipt of the Exchequer, out of His Majesty's Civil List revenues, on account of works at Somerset Place, and for fixtures at the Signet and Privy Seal Offices, and the Offices of the Dutchies of Lancaster and Cornwall —	9255	6	9

5. To make good the like sum issued to Joseph White, Esq. at the receipt of the Exchequer, out of His Majesty's Civil List revenues, to pay the sums assessed on the salaries of the Commissioners for auditing the public accounts, and their Officers, for land tax, for the year 1790; and to John Wigglesworth, Esq. to pay arrears to sundry persons from

	£.	s.	d.
the Office for auditing the public accounts, to the 30th day of July 1793 — —	1814	15	4
6. To make good the like sum issued to William Chinnery, Esq. at the receipt of the Exchequer, out of His Majesty's Civil List revenues, for the discharge of debts contracted by Mr. Tully, late Agent and Consul General at Tripoli ——	2111	1	0
7. To make good the like sum issued, at the receipt of the Exchequer, out of His Majesty's Civil List revenues, to John Marsh and John Spranger, Esqrs. as a compensation for their trouble in inquiring into and reporting upon the cases of persons who sustained losses on evacuating the Mosquito shore in consequence of the Convention entered into by His Majesty with the King of Spain, in the year 1786	1084	15	0
8. To make good the like sum issued, at the receipt of the Exchequer, out of His Majesty's Civil List revenues, to Patrick Rooney Nugent, Esq. Acting Surveyor General of lands at Cape Breton, on account of surveys and other services ——	669	9	11
9. To make good the like sum issued at the receipt of the Exchequer, out of His Majesty's Civil List revenues, to the Bishop of Quebec, for expences in proceeding to his see; to Alexander Davison, Esq. to reimburse expences in purchasing stationary for the Surveyor General's and printing offices in Upper Canada; to John Reeves, Esq. for expences in the Administration of Justice at Newfoundland; to William Chinnery, Esq. to discharge sums due to the late Attorney General of Nova Scotia, for grants of lands to the Loyalists; and to the representatives of Philip Yonge, Esq. for salary due to him as late Surveyor of lands in Georgia —— —	1504	10	6
10. To make good the like sum, issued to William Pollock, Esq. at the receipt of the Exchequer, out of His Majesty's Civil List revenues, as the balance due to him on account of the Commissioners appointed for inquiring into the laws, &c. of the Isle of Jersey —— —	537	12	6
11. To make good the like sum issued to William Chinnery, Esq. at the receipt of the Exchequer, out of His Majesty's Civil List revenues, to reimburse to Samuel Starbuck, junior, who carried on the whale fishery in Nova Scotia, and who arrived at Milford Haven, in order to settle in this kingdom, the losses sustained by him in consequence of the sale of his property by such removal and for his passage	248	18	0
12. To make good the like sum, issued to Thomas Cotton, Esq. at the receipt of the Exchequer, out of His Majesty's Civil List revenues, for defraying the expence of allowances for the relief of American Civil Officers and others who have suffered on account of their attachment to His Majesty's Government	19500	0	0

	£.	s.	d.
13. To make good the like sum, issued at the receipt of the Exchequer, out of His Majesty's Civil List revenues, for His Majesty's service abroad, between the 5th day of January 1793, and the 5th day of January 1794 ——— —	14585	10	6
14. To make good the like sum, which has been issued by His Majesty's orders in pursuance of the addresses of the House ——— —	46619	13	7
15. To make good the like sum which has been issued to the late Commissioners appointed to inquire into the state and condition of the woods, forests, and land revenues, belonging to the Crown, and their Officers, and which have not been made good by Parliament — —	2043	0	0
16. For the payment of such part of the principal and interest thereupon, as shall become due on or before the 10th day of October 1794, on all the orders made out pursuant to an act, of the 28th year of his present Majesty's reign, for giving relief to such persons as have suffered in their rights and properties during the late unhappy dissentions in America, and for making compensation to such persons as have suffered in their rights, in consequence of the cession of the Province of East Florida to the King of Spain	211295	6	8½
17. For the payment of such part of the principal and interest thereupon, as shall become due on or before the 10th day of October 1794, on all the orders made out, pursuant to an act, of the 30th year of the reign of his present Majesty, for granting relief to such persons as have suffered in their rights and properties during the late unhappy dissentions in America, and for making compensation to such persons as have suffered in their rights, in consequence of the cession of the Province of East Florida to the King of Spain —— ——	56796	7	6
18. To make good the like sum which has been issued in consequence of the expences incurred in carrying on the prosecution against Warren Hastings, Esq., and which has not been made good by Parliament — —	10749	3	8
19. To make good the like sum which has been issued for the expences of sending provisions and sundry articles to the settlement in New South Wales, and of the amount of bills drawn, and of other expences incurred, on account of the convicts at that settlement, and which have not been made good by Parliament — — —	19820	8	10
20. To make good the like sum which has been issued to Duncan Campbell, Esq. for the expence of confining, maintaining, and employing convicts on the river Thames, and which has not been made good by Parliament ——— ———	11393	4	8

	£.	s.	d.
21. To make good the like sum which has been issued to James Bradley, Esq. for the expence of maintaining and guarding convicts in Langstone and Portsmouth harbours, and which has not been made good by Parliament — —	13576	17	8½
22. For defraying the extraordinary expences of His Majesty's Mint, in the year 1793 —	18844	12	4
23. To be employed in repairing, maintaining, and supporting the British forts and settlements on the coast of Africa — — —	13000	0	0
March 31.			
1. To the Governor and Company of the Bank of England, to be by them placed to the account of the Commissioners for the Reduction of the National Debt — — —	200000	0	0
2. To the Governor and Company of Merchants of England trading into the Levant Seas, to be applied in assisting the said Company in carrying on their trade — — —	5000	0	0
April 15.			
1, To make good the like sum which has been issued to sundry persons, at the receipt of the Exchequer, out of His Majesty's Civil List revenues, between the 14th day of February, 1794, and the 5th day of April following — —	15277	9	7¼
2. For the purpose of defraying the expences of the Board of Agriculture, for the year 1794 —	3000	0	0
	746196	18	2¾

LOANS DISCHARGED.

February 1, 1794.			
1. For paying off and discharging the Exchequer bills, made out by virtue of an act, passed in the last session of Parliament, entitled, "An act for raising a "certain sum of money, by loans or Exchequer bills, "for the service of the year 1793," and charged upon the first aids to be granted in this session of Parliament — — —	2000000	0	0
2. For paying off and discharging the Exchequer bills, made out by virtue of an act passed in the last session of Parliament, entitled, "An act for raising a "farther sum of money, by loans or Exchequer "bills, for the service of the year 1793" —	2000000	0	0

February 14.

For paying off and discharging the Exchequer bills made out by virtue of an act, passed in the last session of Parliament, entitled, "An act for enabling His "Majesty to raise the sum of 1,500000l. for the uses "and purposes therein mentioned, and for providing "that the Governor and Company of the Bank of "England shall not be subject to any penalties by "reason of an act made in the fifth year of the reign "of King William and Queen Mary, on account of "their advancing money for the payment of bills of "Exchange accepted by, or by the direction of, the "Commissioners of His Majesty's Treasury, and "made payable at the Bank of England," and charged upon the first aids to be granted in this session of Parliament — — —	1500000	0	0
	5500000	0	0

DEFICIENCY.

April 10, 1794.

To make good the deficiency of the grants for the service of the year 1793 — —	475022	13	10½
Total of Supplies — —	20228119	6	7¾

WAYS and MEANS for raising the above SUPPLIES, granted to His Majesty, for the Service of the Year 1794.

February 4, 1794.

	£.	s.	d.
1. That the duties upon malt, mum, cyder, and perry, which, by an Act of Parliament of the 33d year of his present Majesty's reign, have continuance to the 24th day of June, 1794, be further continued and charged upon all malt which shall be made, and upon all mum which shall be made or imported, and all cyder and perry which shall be made for sale within the kingdom of Great Britain, from the 23d day of June, 1794, to the 24th day of June, 1795	750000	0	0
2. That the sum of four shillings in the pound, and no more, be raised within the space of one year, from the 25th day of March, 1794, upon lands, tenements, hereditaments, pensions, offices, and personal estates, in that part of Great Britain called England, Wales, and the town of Berwick upon Tweed; and that a proportionable cess, according to the ninth article of the Treaty of Union, be laid upon that part of Great Britain called Scotland	2000000	0	0

February 6.

1. That, towards raising the supply granted to His Majesty, the sum of eleven millions be raised by annuities, in manner following, that is to say; That every contributor to the said eleven millions shall, for every 100l. contributed and paid, be entitled to the principal sum of 100l. in annuities, after the rate of 3l. per centum, to commence from the 5th day of January, 1794, and to be added to, and made one joint stock with, the 3l. per centum annuities, consolidated by the acts of the 25th, 28th, 29th, 32d, and 33d years of the reign of His late Majesty King George the Second, and by several subsequent acts, and to be payable and transferrable at the Bank of England, at the same time, and in the same manner, and subject to the like redemption by Parliament, as the said 3l. per centum consolidated annuities are payable and transferrable there: That every contributor shall also be entitled to the farther principal sum of 25l. in annuities, after the rate of 4l. per centum, to commence from the 10th day of October, 1793, to be added to, and made one joint stock with, certain annuities, after the rate of 4l. per centum, which were consolidated by the acts of the 20th, 21st, 22d, and 23d years of the reign of His present Majesty, and to be payable and transferrable at the Bank of England, at the same time, and in the same manner, and subject to the like redemption by Parliament, as the said 4l. per

centum consolidated annuities are payable and transferrable there: That every such contributor shall likewise be entitled to an annuity of eleven shillings and five pence per centum, to commence from the 10th day of October, 1793, and to continue for the term of sixty-six years and a quarter, and then to cease, over and above the principal sums of 100l. after the rate of 3l. per centum per annum, and 25l. after the rate of 4l. per centum per annum, in respect of every 100l. to be contributed and paid towards raising the said sum of eleven millions, which annuity of eleven shillings and five pence per centum, so to continue for sixty-six years and a quarter, shall be added to, and made one joint stock with, certain annuities payable at the Bank of England, which were granted for the several terms of ninety-nine, ninety-eight, eighty, seventy-eight, seventy-seven years, seventy-five years and a half, and sixty-nine years and a quarter, and were, by the acts of the 4th, 20th, and 22d years of the reign of His present Majesty, and by several subsequent acts, consolidated, and made one joint stock of annuities, and shall be paid, payable, and transferrable, at the same time, and in the same manner, as the said annuities, so consolidated by the acts of the 4th, 20th, and 22d years of the reign of His present Majesty, are payable and transferrable at the said Bank of England: That the several annuities, after the rate of 3l. per centum, 4l. per centum, and eleven shillings and five pence per centum so to be payable as aforesaid, shall be charged and chargeable upon, and payable out of the consolidated fund: That every contributor shall, on or before the 11th day of this instant February, make a deposit of 10l. per centum on such sum as he or she shall chuse to subscribe towards raising the said sum of eleven millions, with the chief Cashier or Cashiers of the Governor and Company of the Bank of England, as a security for making the future payments on or before the days or times hereinafter mentioned, that is to say,—

£.10 per centum on or before the 15th day of April next.

£.10 per centum on or before the 6th day of June next.

£.10 per centum on or before the 18th day of July next.

£.15 per centum on or before the 29th day of August next.

£.15 per centum on or before the 17th day of October next.

£.15 per centum on or before the 28th day of November next.

£.15 per centum on or before the 13th day of January, 1795.

	£.	s.	d.
That all the monies, so to be received by the said Cashier or Cashiers of the Governor and Company of the Bank of England, shall be paid into the receipt of the Exchequer, to be applied, from time to time, to such services as shall then have been voted by this House, in this Session of Parliament: That every contributor, who shall pay in the whole of his or her contribution-money, towards the said sum of eleven millions, at any time on or before the 27th day of November next, shall be allowed an interest by way of discount, after the rate of 3l. per centum per annum on the sum so completing his or her contribution respectively, to be computed from the day of completing the same to the 13th day of January, 1795, —— —— ——	11000000	0	0
2. That towards making good the supply granted to His Majesty, there be issued and applied the sum of two millions six hundred and ninety-seven thousand pounds, out of the monies that shall arise of the fund, called the Consolidated Fund, from the 5th day of April, 1794, to the 5th day of April, 1795, —— —— ——	2697000	0	0

March 27.

1. That, towards raising the supply granted to His Majesty, the sum of two millions be raised by loans or Exchequer bills, to be charged upon the first aids to be granted in the next Session of Parliament; and such Exchequer bills, if not discharged with interest thereupon, on or before the 5th day of April, 1795, to be exchanged and received in payment in such manner as Exchequer bills have usually been exchanged and received in payment, ——	2000000	0	0
2. That, towards raising the supply granted to His Majesty, the farther sum of one million five hundred thousand pounds be raised by loans or Exchequer bills, to be charged upon the first aids to be granted in the next Session of Parliament; and such Exchequer bills, if not discharged, with interest thereupon, on or before the 5th day of April, 1795, to be exchanged and received in payment in such manner as Exchequer bills have usually been exchanged and received in payment ——	1500000	0	0

March 31.

That, towards raising the supply granted to His Majesty, the sum of seven hundred and forty thousand six hundred and sixty-six pounds thirteen shillings and four-pence be raised, by way of lottery, such lottery to consist of forty thousand tickets, at eighteen pounds ten shillings and four-pence each; and that the contributors towards the same shall, on or before the 5th day of April, 1794, make a deposit with the Cashiers of the Bank of England of one

pound ten shillings and four-pence, in respect of the monies to be paid for every such ticket, as a security for making the future payments to the said Cashiers on or before the times hereinafter limited, that is to say;—

£.2 on or before the 23d day of May next.
£.2 on or before the 28th day of July next.
£.2 on or before the 5th day of September next.
£.3 on or before the 24th day of October next.
£.4 on or before the 21st day of November next.
£.4 on or before the 13th day of January, 1795.

And that tickets, as soon as the same can be prepared, shall be delivered to the contributors, so completing their payments. That the sum of five hundred thousand pounds shall be distributed into prizes, for the benefit of the proprietors of the fortunate tickets in the said lottery, which prizes shall be charged upon the aids and supplies granted in this Session of Parliament, for the service of the year 1794, and be paid at the Bank of England, in money, to such proprietors upon demand, on, or at any time after, the 1st day of July, 1795, as soon as certificates can be made out, without any deduction whatsoever; and that all the monies to be received by the said Cashiers shall be paid into the receipt of His Majesty's Exchequer, to be applied from time to time, to such services as shall then have been voted by this House, in this Session of Parliament. That every contributor, who shall pay in the whole of his or her contribution-money towards the said sum of seven hundred and forty thousand six hundred and sixty-six pounds thirteen shillings and four-pence, at any time on or before the 21st day of November, 1794, shall be allowed an interest, by way of discount, after the rate of 3l. per centum per annum, on the sum so completing his or her contribution respectively, to be computed from the day of completing the same to the 13th day of January, 1795, —— 240666 13 4

April 10.

That, towards making good the supply granted to His Majesty, there be issued and applied the sum of two hundred thirty-one thousand eight hundred and forty-one pounds sixteen shillings and ten-pence, remaining in the Exchequer on the 5th day of April, 1794, of the surplus of the Consolidated Fund, subject to the disposition of Parliament, —— 231841 16 10

Note. March 6,—It was resolved, That all persons interested in, or entitled unto, any bills payable in course of the Navy or Victualling Offices, which were made out on or before the 31st day of March, 1793, who shall, on or before the 12th day of April, 1794, carry the same (after having had the interest due thereupon computed and marked upon

the said bills at the Navy or Victualling Offices respectively), to the Treasurer of His Majesty's Navy, to be marked and certified by him, or his Paymaster and Cashier, to the Governor and Company of the Bank of England, shall be entitled, in respect of the same, to one hundred and one pounds capital stock for every one hundred pounds contained in such certificates, and so in proportion for any greater or lesser sum; such capital stock to be attended with annuities after the rate of 5l. per centum per annum, to commence from the 5th day of January, 1794, to be payable half-yearly, in lieu of all other interest, the said annuities to be added to, and made one joint stock with, and to be redeemable at the same time, and in like manner, as the annuities established by an act of the 24th year of His present Majesty, intituled, "An Act for granting Annuities to satisfy certain Navy, Victualling, and Transport Bills, and Ordnance Debentures;" and by another act of the 25th of His present Majesty, intituled, "An Act for granting Annuities to satisfy certain Navy, Victualling, and Transport Bills, and Ordnance Debentures;" and that the said annuities shall be charged upon, and payable out of, the Consolidated Fund.

It was also resolved, That the charge of the pay and cloathing of the militia in that part of Great Britain called England, for one year, beginning the 25th day of March, 1794, be defrayed out of the money arising by the land-tax granted for the service of the year 1794.

Total of Ways and Means	£.	20869508	10	2
Excess of Ways and Means	£.	641389	3	6¼

NOTE, On the 2d of May, it was resolved, That a sum not exceeding two millions five hundred thousand pounds, be granted to His Majesty, to make good the engagements which His Majesty has entered into with the King of Prussia, as well as to defray any extraordinary expences which may be incurred for the service of the year 1794, and to take such measures as the exigency of affairs may require; and that such sum be raised by loans or Exchequer bills, to be charged upon the first aids to granted in the next Session of Parliament.

	£.	s.	d.
The additional public debt funded and provided for this year, amounts to eleven millions; the interest of which, at £.3 per cent. per ann. is —	330000	0	0
£.25 per cent. at £.4 per cent. per ann. —	110000	0	0
The annuity, for sixty-six years and a quarter, of 11s. 5d. per cent. per ann. —— ——	62791	13	4
In all per ann. £.	502791	13	4

Exclusive of the interest upon the Navy Bills, funded.

This sum (by acts passed in pursuance of different resolutions) is proposed to be raised in the following manner:

Additional duty on single brandy imported, of 10*d.* per gallon.
Ditto on brandy above proof, ditto, of 20*d.* per gallon.
Ditto on rum from the British Colonies, of 8*d.* per gallon.
Ditto on ditto above proof, of 16*d.* per gallon.
Ditto on warehoused rum, of 8*d.* per gallon.
Ditto on over-proof ditto, of 16*d.* per gallon.
Ditto on single spirits imported, of 10*d.* per gallon.
Ditto on over-proof ditto, of 20*d.* per gallon.
To be paid by the importers.

Ditto on wash for extracting spirits, for home consumption, of 1*d.* per gallon.
Ditto on cyder and perry, or any other wash for ditto, of 1*d.* per gallon.
Ditto on wash made from molasses or sugar, of 1½*d.* per gallon.
Ditto on wash made from refused wine, or foreign cyder, of 2*d.* per gallon.
Ditto on wash made by Sir W. Bishop, &c. of Maidstone, of 2*s.* 8*d.* for every 96 gallons.
To be paid by the makers or distillers.

Ditto on spirits made in Scotland, and imported, of 5½*d.* per gallon.
Also an additional duty in proportion for over-proof.
To be paid by the importers.

Additional duty on bricks, of 1*s.* 6*d.* per thousand.
Ditto on plain tiles, of 1*s.* 10*d.* per thousand.
Ditto on pan tiles, of 4*s.* 10*d.* per thousand.
Ditto on paving tiles, not exceeding 10 inches square, of 11*d.* per hundred.
Ditto on ditto, exceeding 10 inches square, of 1*s.* 10*d.* per hundred.
Ditto on tiles, other than the above, of 1*s.* 10*d.* per thousand.
To be paid by the makers, and a drawback to be allowed on exportation.

Ditto on bricks imported, of 1*s.* 6*d.* per thousand.
Ditto on plain tiles imported, of 1*s.* 10*d.* per thousand.
Ditto on pan and ridge tiles imported, of 4*s.* 10*d.* per thousand.
Ditto on paving tiles, not above 10 inches square, of 11*d.* per hundred.
Ditto on ditto, above 10 inches square, of 1*s.* 10*d.* per hundred.

Additional duty on all other tiles imported, of 1*s.* 10*d.* per thousand.
A duty upon slates carried coastwise, of 10*s.* per ton.
Ditto upon stone, granite, and marble, ditto, of 2*s.* 6*d.* per ton.

Duties of excise on paper, pasteboard, mill boards, scale-boards, and glazed paper, to cease, and that there be charged in lieu thereof,

An excise duty upon paper for writing, drawing, and printing, and for all elephant and cartridge papers of 2½*d.* per lb.

Ditto upon coloured and whited brown paper, (exclusive of elephant and cartridge) of 1*d.* per lb.

Ditto upon wrapping paper of ½*d.* per lb.

Ditto upon all other paper, (except sheathing and button paper) of 2½*d.* per lb.

Ditto upon pasteboard, mill-board, scale board, and glazed papers, of 10*s.* 6*d.* per cwt.

To be paid by the makers, and a drawback to be allowed on exportation.

Duties of customs on the above to cease, and there be taken in lieu thereof,

A custom duty upon paper for writing, drawing, and printing, and for all elephant and cartridge paper imported, of 10*d.* per lb.

Ditto upon coloured and whited brown papers, for wrappers, imported, of 4*d.* per lb

Ditto upon brown paper for ditto, imported, of [illegible]*d.* per lb.

Ditto on all other papers, imported, of 10*d.* per lb.

Ditto on paper hangings, imported, of 6*d.* per lb.

Ditto upon pasteboards, &c. imported, of 20*s.* per cwt.

Ditto upon books, imported, of 1*l.* 3*s.* 4*d.* per cwt.

Additional duty on cast plate glass, of 10*s.* 8¾*d.* per cwt.

Ditto upon materials used for making other kinds of glass, 10*s.* 8¾*d.* per cwt.

Ditto on materials used for making window glass, of 8*s.* 0¾d. per cwt.

To be paid by the makers.

And the following drawbacks allowed, viz.

8¾*d.* on every foot of plate glass exported.
14*s.* 6*d.* per cwt. on flint glass exported.
9*s.* 11*d.* per cwt. on crown glass exported.

Additional duty on French plate glass imported, of 8¾*d.* per square foot

Ditto on French flint glass, &c. imported, of 14*s.* 6*d.* per cwt.

Ditto on French window glass imported, of 9*s.* 11*d.* per cwt.

Ditto on other glass imported, of [illegible]*s.* per cwt.

To be paid by the importers.

A stamp duty upon contracts of persons serving as clerks to attornies in the courts at Westminster, of 100*l.*

Ditto on the instruments of admission of attornies in ditto courts, of 100*l.*

A ſtamp duty upon contracts of perſons ſerving as clerks to attornies in country courts, of 50*l.*

Ditto on the inſtruments of admiſſion of attornies in ditto courts, of 50*l.*

Additional duties upon foreign ſpirits imported, granted by act 31 Geo. III. and continued by act 33 Geo. III. made perpetual.

Ditto upon ſugars, charged by act 31 Geo. III. made perpetual.

Several drawbacks on ſugars, allowed by the ſaid act, made perpetual.

Duties of cuſtoms on ſlate, ſtone, and marble, the production of Guernſey, Jerſey, Alderney, Sark, or Man, imported, to ceaſe, and there be taken in lieu thereof,

A cuſtom duty upon every 100*l.* of the value of all ſuch ſlate, ſtone, and marble, imported, or carried coaſtwiſe, of 20*l.*

Our Readers are respectfully entreated to substitute the following correct speech, in lieu of Mr. Adam's speech in Vol. 37, page 501.

House of Commons, March 10, 1794.

MR. SPEAKER,

I RISE, after a variety of delays, to lay before this House the judicial proceedings of the supreme court of criminal judicature in the northern part of the united kingdom, in the cases of Mr. Muir and Mr. Palmer.

The various circumstances which have, till now, prevented my bringing this subject before you, were not created by me; they are in the knowledge of the House; and I forbear to waste your time by dwelling upon them.

In some preliminary discussions respecting this business, I said, when a Right Honourable Gentleman, (Mr. Pitt,) opposite me, asserted that the sentences of the Court of Justiciary, to which I have referred, were *legal*, and that the discretion which the court had exercised was *sound*; that I would not then make any declaration respecting them. Not but that the measure which I had announced, implied a doubt as to both, but I thought it was not the part of a good subject to make general declarations respecting the conduct of a Court of Justice, till I could be heard at length, to support my allegations with argument. That time is now come, and that duty is now to be performed. It is an arduous task, and, in the discharge of it, I feel my mind strongly impressed with the opposite sensations of confidence and anxiety. Confidence in the goodness of my cause; anxiety as to my capacity to do it justice. It is a subject at once grave, important, interesting, and difficult. It is *grave*, in so far as it questions the legal judgement and sound discretion of a Court of Justice. It is *important*, as it relates to the administration of criminal jurisprudence in immediate connection with the liberty of the subject, and the freedom of the constitution; it is *interesting*, with reference to the individuals, who are to suffer under the severity of the sentence; and it is *difficult*, because it is a legal subject, relating to Scotland, addressed to a popular assembly, and not to a court of Justice.

Under these impressions, however, there are some circumstances to give me comfort. It is not my fault that I am here. The decisions of the supreme appellate court* have established, that from the justiciary and circuit courts in Scotland, both of which are supreme courts, (for the circuit courts there are not under special commissions as here) there is no appeal. I endeavoured to remedy that defect by proposing an act to give an appeal from the criminal courts of Scotland†, and I meant that it should contain a retrospective clause which would have included these cases. But a majority of this House thought proper to reject my motion; and I am now under the necessity of discussing the legal part of this question is this place, because this is the only place in which it can be discussed. Under such necessity, whether I look round me, or whether I look to the benches opposite to me, there are circumstances to comfort me under the impressions which I feel. Around me there are gentlemen whose constitutional knowledge, whose powerful talents and discerning minds enable them to embrace and understand the subject; and there are those, whose great experience in the profession of the Law of this Country, give them a ready apprehension of legal questions, though arising out of the

* *The House of Lords.* † *Mr. Adam's motion on the 2d of Feb. 1794.*

criminal law of another country. Over against me I see a Right Honourable Gentleman *, who, though now one of His Majesty's Ministers, was originally educated to the profession of the bar, and who to early habits of legal study adds considerable parliamentary experience, who possesses great and undisputed talents, and who, having repeatedly declared his opinion upon the legality and sound discretion of these sentences, must have sifted the question to the bottom; and I doubt not he will take a part in this discussion. I have the satisfaction to see another Right Honourable Gentleman †, whose illness was one cause for postponing this business till now. I hope he will not fail to take a part in this debate; for though I have every thing to fear from my own defects, my subject fears no opponent. That gentleman to long parliamentary experience adds the education and practice of a Scots lawyer, particularly in the Criminal Courts, where, as Solicitor General or Advocate, he served the Crown, almost, from the hour he was called to that bar.

Sir, I see another gentleman, whose presence we have procured by our last delay, a circumstance which is likewise consolatory to me; for here again I court full discussion. I mean the learned ‡ person who instituted and conducted these prosecutions, and who of course must have given his whole mind to this important subject. Sir, I see other gentlemen of great rank, knowledge, and estimation in the law of this country, and some who may, from their habits and practice in the Court of Appeal from Scotland, be said to be *Docti Utriusque Juris*. To all these gentlemen I particularly address myself; and in the arduous task which I have to discharge, I have much satisfaction in beholding such an audience.

Sir, I have no pretensions whatever to practical knowledge of the law of Scotland, but I have some pretensions to sedulous, laborious, and anxious attention to whatever my duty in this House calls upon me to consider. I have viewed this extensive and difficult subject on every side, according to the expressive language and sound precept of Lord Bacon—"not to contradict and confute, not to believe or take for "granted, not to find talk or discourse, but to weigh and consider."—Sir, I have *weighed* and *considered* the subject in all its aspects, and in all its parts, not only with a view to form a sound opinion, which in such a case I was bound to do, before I ventured to challenge judicial supreme authority, but with a view to frame the motions which I shall have occasion to offer to the House.

I mean first to move for certain parts of the record, and certain notes of *memoranda* or the evidence, which, if before the House, will fairly raise the whole question. The *first* motion will be for the indictment, the plea, the verdict, and the judgment, which will raise the question of legality. The *second* motion will be for certain determinations of the Court, respecting the admitting and rejecting of evidence. The *third* will be for certain proceedings which took place respecting the admission of objectionable persons to serve upon the jury. The *fourth* will relate to the commitment of a person of the name of William Muir for refusing, upon a religious scruple, to take the oath. The *fifth* motion relates to the conduct of the Court with respect to one John Russel, a witness for the defendant, whose evidence was refused, and he himself committed for prevarication, without being examined. All these things appear upon the face of the record, except the *second*, and I have, here in my possession, an office copy of the record to prove my assertion. The last can be

* *Mr. Pitt.* † *Mr. Secretary Dundas.* ‡ *Lord Advocate Dundas.*

supplied by the notes of the Judges, in the manner in use, in cases where the notes of the Judge is the only evidence of what passes at a trial.

Of these, the first motion is common to the case of Mr. Palmer, as well as that of Mr. Muir; the others are special circumstances which belong to the case of Mr. Muir only. If these should be granted, it is my intention to found on them two addresses to His Majesty, applicable to the cases of those unfortunate gentlemen. If they are not granted, I shall think it equally my duty to move the addresses, because I am entitled to assume these things as true, unless the contrary is shewn by a production of the record and evidence.

The addresses will state respectfully, as far as concerns the court, that there are doubts in regard to the legality of the sentences; that there is an excess in the exercise of judicial discretion, in both cases; that there are in Mr. Muir's case specialities, which go to shew a *mis-trial*, by an improper admission of jurymen, and an improper admission and rejection of evidence; and they will conclude with a prayer to His Majesty, to extend his justice and mercy to both these persons; so that "The monarch," according to the elegant and constitutional sentiment of Sir William Blackstone, "may appear in those works only, in which the nation is accustomed to see him, works of legislature and mercy, that the people may look up to him as the fountain of nothing but bounty and grace. Which acts of goodness frequently repeated, and coming immediately from his own hand, endear the sovereign to his subjects, and contribute more than any thing to root in their hearts, that filial affection and personal loyalty, which are the sure establishment of a prince."

In the course of what I have to offer to the House, though I may sometimes be led to illustrate the subject by analogies from the law of England, I shall certainly found my right to prevail in what I propose, upon the law of Scotland alone, because, by that law alone the legality, justice, and discretion of the sentences in question are to be judged. In doing this, I shall, to the utmost of my power, avoid discussions purely technical, not because technical accuracy does not secure substantial justice; for upon that subject I never can forget the wise and powerful sentiment of an eminent judicial character, whose unremitting, intelligent, impartial, and gratuitous administration of justice, in appeals, in the other House of Parliament, Scotland will continue to feel with endless gratitude. That great and enlightened person * is reported to have said, "THE FORMS OF LAW ARE THE FENCES OF JUSTICE." As such they are doubtless to be considered, and as such I must call them to my aid; but I will call them in aid sparingly; because too strong a leaning to that sort of argument might be misplaced in addressing a numerous and popular tribunal like this House; and the object which I wish to attain, may be accomplished without pressing upon that part of the subject to an excessive degree.

The question which I bring forward has nothing abstract in it. It is a great practical question, upon a most important judicial decision. The first consideration being the legality of the sentences, my opinion with respect to that legality, I shall endeavour to make out, by maintaining the three following propositions:

FIRST, That the crimes set forth in the indictments against Thomas Muir, and Thomas Fyshe Palmer, are what the law of Scotland terms *Leasing-making*, which, by the English law, is a misdemeanor, in the

* *Lord Thurlow.*

nature of a public libel, tending to affect the State; and the indictments charge no other offence whatever.

Second, "That the punishment of *transportation* cannot by the law of Scotland be legally inflicted for the crime of *Leasing-making* or *Public Libel*. The Scots act of Queen Ann, (1703, c. 4.) having appropriated to that crime the punishment of fine, imprisonment, or *banishment*; under which pain of *banishment*, *transportation* is not included."

"And that the annexing the *pain* of *death* to the return from such *transportation* is an aggravation not warranted by law; the punishment of death being expresly taken away by the statute of 1703, c. 4. and no statute has passed since that time which varies or alters that law."

Third, "That if the acts charged in the indictments do not constitute the crime of *Leasing-making*, or *Public Libel*, the indictments charge no crime known to the law of Scotland:

First, because there is no such crime known to the law of Scotland, at common law, as *sedition* constituting a distinct and separate offence: and these offences do not fall within the statutory Seditions.

Secondly, because if there is such a crime at common law, these indictments do not charge it, and it would be contrary to law to punish that offence by *transportation*; and not warranted by law to inflict the pain of *death* for returning from such transportation.

To explain the first of these propositions, it may be necessary to state, that a Scots indictment professes to be a perfect Syllogism: the first or major proposition sets forth the crime; the minor proposition asserts the facts with time and place, which the accused is charged with having committed; the conclusion drawn is, that he is guilty of the crime charged. Here this material observation arises, that however wide the range of the major proposition may be, the matter charged in the minor proposition must be understood to restrict it, upon this sound principle of law and common sense, that a person cannot be found guilty of more than he is charged to have done; and that what he is supposed to have done, is contained in the minor proposition. There is another observation equally material, viz. That as the major proposition contains the statement of the crime, so the facts set forth in the minor proposition, must be such as to constitute the crime set forth in the major proposition, and no other; and above all, that the minor proposition cannot legally contain facts, establishing a higher crime than that set forth in the major proposition. Under these observations I contend, that the indictment against Mr. Muir contains no charge but that of *Leasing-making*, or *Public Libel against the state*.

In reading the indictment, the House will perceive, that I read from the printed trial. But I am not only sure of its accuracy by having compared it with the office copy of the record, which I have here before me, but I may observe, now, once for all, that there were three accounts of the trial of Mr. Muir published; that which I shall quote from, is the trial published by Mr. Creech, which, from the motto on its title page, and from the introduction, is evidently meant to bear against the prisoner, and to be partial to that side which has not mercy for its object.

The indictment sets forth in the major proposition, "That it is criminal to excite disloyalty by seditious speeches and harangues; more especially when such speeches and harangues are addressed to meetings and convocations brought together by no lawful authority, and uttered by one, who is the chief instrument of calling together such meetings." What is stated in the first part of this proposition is

nothing more than *Leasing-making*; namely, the speaking words tending to excite discord between the King and his people. The other part of the proposition, that is, the doing so before unlawful convocations, in calling of which unlawful convocations the person haranguing was the chief instrument, is mere matter of aggravation. First, it is so laid in the indictment, for it is introduced under words of aggravation; next, it is the proper form and mode of pleading such matter, and is laid down to be so in the law authorities of Scotland; and lastly, it is so held to be, by the Lord Justice Clerk in delivering judgement, in this case, upon the relevancy of the indictment. As to the first, it requires no argument to prove, that the words in the indictment, (MORE ESPECIALLY) which apply to all the clause that relates to convocating the people, are words of mere aggravation, and not of substantive charge. As to the second, it is established upon the authority of Sir George Mackenzie, to be the rule of pleading, to lay the crime of convocation as aggravating matter only.

Sir GEORGE MACKENZIE is an author to whom I shall have frequent occasion to refer. He may be said to be almost the only authority, as a *text writer*, on the criminal law of Scotland: he was a man of considerable talents and great acquirements; and his works are both various and eminent. But his object was to raise himself by the patronage of the Duke of Lauderdale, and those persons who governed Scotland during the disgraceful reign of Charles II., a period which stains the purity of public justice and national honour. He was a tool of the worst of ministers, and the apologist of all the unconstitutional acts of that unhappy æra; yet, both as a lawyer and an historian, I must rely upon him as supporting the case which I undertake to prove. And it will not be denied, that when I quote Sir George Mackenzie, I quote an authority constantly cited in the Scots criminal courts. Such an author may with propriety be stiled an unwilling witness in such a cause as I have to bring before you. But if he proves my case, like every case proved by an unwilling witness, the cause receives additional strength, the argument additional confirmation.

Upon the subject of convocating the people, Sir George Mackenzie, in his title Sedition, says, "The crime of simple convocation is ordinarily pursued before the council, and is seldom punished either by the council *or justice court*, as *crimen per se*, but as the agreging * quality of a riot, or other crime †." So that the nature and quality of the act of convocation is by law matter of aggravation; and of course, is properly laid in the major proposition of the indictment, under words of aggravation.

The latter part of the major proposition, which sets forth the circulating seditious writings, or reading them aloud to meetings, does not charge the convocating those meetings, either as a substantive fact, or as aggravating matter; therefore, on that part of the proposition, it is impossible for the defenders of the judgment to rely.

Taking the case then on the major proposition alone, I deny that there is any thing there stated which raises the crime above *Leasing-making* or *Public Libel*. Let us see next, how it stands under the minor proposition.

The minor proposition sets forth, that Thomas Muir did, at certain times, and in certain places, *in societies of Reform, which societies he was*

* *Agreging means aggravating.* † *Criminals, p. 1. t. 7. l. 3.*

the chief means of instituting and forming, harangue such meetings, propagate certain doctrines, &c. &c.

Here the act of convocation, or assembling the people, is not charged either as a substantive crime or as aggravation; but he is, merely, charged as being a chief means of instituting the societies of reform; which cannot mean the calling them together for the particular criminal purpose charged in the indictment; but as being a person who instituted or gave birth to the societies for the general purposes of reform. So that even if the major proposition alledged another crime than Leasing-making, and that the aggravating matter could be changed into a direct allegation of sedition, the minor proposition has restricted it by not alledging it at all; for the saying *he instituted the society*, can never be held to mean, that *he convocated the people*.

But observe, lastly, what the Court says upon it, in pronouncing on the relevancy of the libel*; a proceeding which always takes place in Scotland previous to the trial of the accused.

The Lord Justice Clerk says, "the crime with which the *Indictment* "charges the *pannel* is—*that of exciting discontent among the people;—of* "*endeavouring to create a Rebellion;—of feloniously disseminating wicked* "*and seditious publications, and advising their perusal*."

There are in this Judgment three clauses; the first and third cannot be construed to rise an iota higher than *Leasing-making*. *The exciting discontent* and *disseminating seditious publications* are precisely and accurately the crime of libel affecting the government of the country. The second or middle clause is of a different nature, *the endeavouring to create a Rebellion*. Now I contend that *that* crime does not stand charged on the face of the indictment, and that from the very nature of the thing it cannot. There is no charge in the indictment of a conspiracy to excite sedition, or raise insurrections. There is no charge of individual acts to incite insurrection. There is therefore no misdemeanor alledged, which can by any construction be brought within the second clause of the judgment, even if rebellion could be construed to mean no more than an insurrection, or a seditious commotion. But what is rebellion? it is treason; what is the endeavour to excite it, if committed? it is the crime of accessary to treason. The treason laws of England are extended to Scotland, and by that law there is no accessary in treason, all are principals: therefore the indictment must charge the crime of treason, which is not pretended, or the middle clause of the judgment of the Lord Justice Clerk falls to the ground. The relevancy of the libel therefore rests on the first and third proposition *exciting discontent*, and *disseminating seditious works*, which are mere *Leasing-making*. I am therefore entitled to conclude that I have the judgment of the court with my construction of what the indictment charges: and I am, upon clear principles of law, entitled to say, in the terms of my first proposition, "That the crime "set forth in the indictment against Mr. Muir, is *Leasing-making*, and "that the indictment charges no other crime whatever."

As to the indictment against Mr. Palmer, the same argument applies, with this material additional observation, that in that indictment not one word is stated respecting a convocation of the people; but the simple act of publishing what is termed a seditious libel, is there charged; consequently the case, which is clear with respect to Mr. Muir, must remain without a doubt in the instance of Mr. Palmer.

* *Creech's Trial, p.* 31.

It being established, therefore, by these arguments, that the crime charged against these gentlemen is *Leasing-making* only, it remains to be shewn, according to my second proposition;

"That the punishment of *transportation* cannot, by the law of Scot-"land, be legally inflicted on that crime; the statute of 1703, chap. 4. "having enacted the punishment of *banishment*, in which *transportation* is "not included; and that the annexing the pain of *death* on return, is "an aggravation not warranted by law; the punishment of death being "taken away by the statute of 1703; and no law having passed since "that time to vary or alter the enactment of that statute."

In order to understand the argument upon this proposition, it is necessary to enter into the origin and history of the act of 1703, respecting *Leasing-making*. The history of any act of parliament is an ordinary and legal clue by which to unravel its meaning: but it is peculiarly calculated to explain the construction of acts which relate to the state and government, and most particularly suited to expound this statute, which is the master-key that unlocks and discovers this repository of doubtful legality and unprecedented severity.

The act of 1703, chap. 4. derives its origin directly from that charter of liberty which passed in Scotland at the period of the Revolution, termed the CLAIM OF RIGHT, and which corresponds to the bill of rights in this country.

Sir, it is impossible to allude to that period of Scots history, without paying a due tribute of praise to those who led the way in that great event. They did not spend their time in metaphysical disquisitions upon the abdication of the crown, but at once decided, in the phraseology of that country, that it was *forfaulted*.

The oppression of individuals and the infringements of liberty, which preceded the Revolution in England, likewise preceded that event in Scotland. If England had her Sidney and Russel, Scotland had her Earl of Argyle. The history of that extraordinary personage is so well known, that it were almost unnecessary to enlarge upon it, did it not mark the origin of a most important clause in the claim of right, from which I will shew the act of 1703 to be derived.

The Earl of Argyle, in the year 1681, or 1682, was tried for *Leasing-making*, because he had given a conscientious explanation of an unconscientious Test, attempted to be imposed upon the people of Scotland, by the tyrannical government of the Duke of York in the reign of Charles the Second. Mr. Hume, in describing the injustice and illegality of that trial, says, "It is needless to enter into particulars, where "the iniquity is so apparent. Though the sword of Justice was dis-"played, even her semblance was not put on, and the forms alone of "law were preserved, in order to sanctify, or rather aggravate, the "oppression." The Earl was found guilty by a jury of his peers, and sentenced to death by the Court, but he made his escape from prison. He returned afterwards to Scotland in the reign of James the Second, and was (to fill the measure of judicial iniquity) executed upon the old sentence of 1681. But when the period of the Revolution arrived, those who accomplished that great event were anxious to prevent a repetition of such aggravated and enormous oppression. They inserted it as a clause in the claim of right, "*That the causing pursue and forfeit persons* "*upon STRETCHES of old and obsolete laws, upon frivolous and weak* "*pretences, upon lame and defective probations, as particularly the late Earl* "*of Argyle, are contrary to law.*" This short but expressive and important clause was considered as a security, and did for some time operate as

a security, against the oppression of the crown through the medium of criminal prosecutions; but the state of Scotland soon changed. An attempt was made by the Scots to establish a colony on the isthmus of Darien, which was strongly resisted by the ministers of the crown. The eagerness and zeal of the people of Scotland, in support of this favourite measure, led to many acts and publications reflecting on the government and the parliament. A trial took place* in 1701, in which doctrines subversive of liberty and justice were held by the crown lawyers. The obsolete laws condemned in the claim of right, in the case of the Earl of Argyle, were attempted to be revived, the effect of which was, indeed, prevented in the particular instance, by the jury, who had the good sense and spirit to acquit the accused persons: but those who loved their country, felt the danger, and saw with alarm, a most material article of their liberties directly aimed at. That illustrious Scots patriot, Fletcher of Salton, who had returned from banishment and persecution, was daily engaged in defending the liberties of his country in Parliament, and it is hardly probable that such an attack upon them as this, could have escaped his vigilance. It is material to observe, too, that the parliament of Scotland, on the same day that the act concerning Leasing-making passed, had the claim of right immediately under its consideration. This fact is proved from the collection of the Scots acts of parliament, by which it appears, that the statute which immediately precedes the act concerning *Leasing-making*, is an act making it high treason to alter or innovate the claim of right, or any article thereof. Then follows the act *concerning Leasing-making*, in these words:

"Whereas the said laws, *have been liable to* STRETCHES, and that "in respect of their generality and the various constructions they may "admit, they may be, as to the aforesaid capital punishment, of dan-"gerous consequence; Her Majesty, with the advice of the Estates, &c. "doth therefore abrogate in all time coming the sanction and pain of "death and confiscation, and ordains that the punishment of the crimes "therein mentioned shall hereafter be arbitrary, *that is*, by fining, im-"prisonment, and BANISHMENT. But if the party be poor and not "able to pay a fine, then to be punished in his body, life and limb al-"ways preserved."

The origin and nature of this act then is clear and indisputable. By the evident history of the times, namely, the oppressive and unconstitutional doctrines contended for in the Crown prosecutions of that period, the zeal of the people in the Darien cause, and the contemporaneous consideration of the *claim of right* as well as the similarity of the language of the two statutes, the act of 1703, chap. 4, appears to derive its descent, lineally, from that important clause of the claim of rights, which took its rise in the trial of the Earl of Argyle.

The two characters which it bears — Its character as a penal law, and its character as a law of privilege, connected with the liberty of the subject, unite to enforce the same construction. As a penal law, every word is to be construed strictly, upon that important principle of criminal jurisprudence, the safety of the accused. As derived from, and connected with, the claim of right, it is to receive an interpretation favourable to the privileges of the people; which requires, that in its construction it should be limited to the strict sense and meaning of the words, for the

* *Arnot's Criminal Trials, page 91. The case of Achmouty and Thomson.*

privilege of the subject, under this statute, is the limitation and restriction of punishment.

There is another observation of material consequence, in the consideration of this act. It leaves the offences exactly as they stood by the former statutes, but it alters the punishment by mitigating its severity. It is therefore to be construed in such a manner, as will give full effect to that spirit of lenity and mitigation, and of two doubtful interpretations that is always to be preferred by which severity is abridged.

Under these observations, let me now consider what the word *banishment* means, in general, what it means by the law of Scotland, and what it particularly means in the act of 1703, chap. 4. That it does not mean *transportation* (the punishment inflicted in the cases under consideration) I pledge myself to prove by every species of evidence by which any position of law can be ascertained; from the lowest circumstance of proof, the common acceptation of the word in common language, to the very highest—THE LANGUAGE OF THE LEGISLATURE IN ACTS OF PARLIAMENT.

It is necessary here to make a preliminary observation, namely, That there is now, and was formerly, great inaccuracy and want of precision in the use of words in Scotland, even in the courts of law, consequently it may appear in some instances, from the mode of using the words *banishment* and *transportation*, both in the statutes and the cases, that it is doubtful which is meant; it is therefore not the word taken abstractedly, or by itself, by which we are to construe its meaning, but it is to be construed by the context and relation in which it stands.

By *banishment* I mean mere expulsion from the society, country, or realm, to which the expelled person belongs; leaving every other country open to his approach, without restraint.

Round the wild Word in BANISHMENT we roam,
Forced from our fertile fields and *native* Home *.

By *transportation* I mean not only the expulsion of the person transported from the realm or society to which he belongs, but his being sent to another place, which he cannot quit, and in which he must remain, in a situation of servitude, as in America formerly; or under a military despotism and servitude, as at Botany Bay now †. The one is simple expatriation with the power of going any where, but deprived of the power of returning home. The other is expatriation with the aggravation of being sent to a stated place in a situation of servitude and confinement in that place. This distinction, Sir, I beg may be kept in mind, because in the decided cases of the Scotch courts, and in the acts of the Scotch parliament, it will appear, that the words *banished to the Plantations*, *banished to the West Indies*, *banished to America*, are frequently used; but though the word banished is used, yet I admit that, where

* *Dryden.*

† *In Governor Philip's instructions to Mr. King, commandant of Norfolk Island, page 73 and 74, it is said, "the convicts being the servants of "the crown, till the time for which they are sentenced is expired, their la-"bour is to be for the public.*

"You are not to permit any intercourse, or trade, with any ships or vessels that may stop at the island, whether English or of any other nation, "unless such ships or vessels should be in distress." Vide also the act of 27 George III. chap. 2. establishing martial law as the law of the settlement.

it stands conjoined with the place of transportation, the thing done is what is understood now in Scotland, and has been always understood in this country, to be transportation.

It will not be supposed, I am sure, by any person who knows the history of these punishments, that there is any thing theoretical in this doctrine; it is one which is to be found both in the Roman law, and in the law of this country. In the Roman law, there were three distinctions; the *aquæ et ignis interdictio*; the *relegatio*; and the *deportatio in insulam*. The first was perpetual banishment, without restriction as to place, but expatriation from Rome for life; the second, *relegatio*, was banishment, to a place appointed, without servitude; the third, *deportatio in insulam*, precisely answers to transportation, as it is now understood in England.

In England, banishment seems to have been a punishment unknown to the common law, yet the term is used by Lord Coke *, and abjuration of the realm for felony is in the nature of *banishment*. The expression is used, likewise, in a statute of the 39th Eliz. whereby certain vagrants are enacted to be banished. But although it does not exist in this country, as a punishment in the ordinary course of criminal justice, it is to be found in bills of pains and penalties, as in the cases of Lord Clarendon and the Bishop of Rochester. In all these cases it has a distinct meaning, and is clearly a distinct and different punishment from *transportation*; so that the essential distinction, for which I contend, between the punishment of simple banishment, and the aggravated banishment of transportation, which has confinement to a place, servitude, and other circumstances of increased severity, superadded, is recognized in established systems of law.

I shall presently shew in what manner this distinction arose in the law of Scotland, from which it will clearly appear, that according to the sound exposition of the statute of 1703, chap. 4. the word banishment, as used in that statute, means *simple expatriation from Scotland*, and nothing more.

In order that I may render this evident, it is necessary to state shortly, the history of the punishment of transportation, as connected with the history of the country and of its law.

During the early periods of the Scotch government, it is impossible that there should have been any such punishment as transportation. For transportation infers the existence of some place, territory, or colony, under the dominion and authority of the governing power, and out of the mother country, to which a criminal can be sent, as to a situation of servitude and confinement. Now the condition of Scotland admitted of no such thing, until the end of the last, and beginning of the present century, when the Darien colony was set on foot; for it will not be said, that the settlement of the Scots in the province of Ulster, in Ireland, after the accession of James the First to the throne of England, afforded the means of transportation. The authority of a court cannot exceed the bounds of its jurisdiction; therefore, there can be no transportation by the authority of the court, because its jurisdiction is restricted to the bounds of the realm. To constitute the punishment of transportation, there must either be an act of the legislature (as I shall shew by and bye, was the case in England) or an usage of the courts, and an acquiescence of the legislature; which I shall shew immediately to have been the case in Scotland.

It this doctrine required to be proved, or illustrated, it is only neces-

* 2d Institute, 201.

fary to refer to a very recent cafe, which arofe upon the Sheriff of a Scots county, inflicting the fentence of *tranfportation*.

When a Right Honourable Gentleman over againft me * was Solicitor General for Scotland, a profecution was inftituted before the Sheriff of the county of Haddington, for theft, Sheriffs in Scotland having jurifdiction in capital cafes. The prifoner was found guilty, and the fentence pronounced by the Sheriff was tranfportation. The matter was carried before the Court of Jufticiary by the convict, there being an appeal from the Sheriff's Court to the Court of Jufticiary. It was argued by the Right Honourable Gentleman as counfel for the crown, in favour of the fheriff's power to tranfport. It was argued for the convict by Mr. Blair, the prefent Solicitor General for Scotland. The Court of Jufticiary decided in favour of the convict, and held that the fheriff could not inflict the fentence of tranfportation, becaufe his county limited his jurifdiction. It then adjudged, that the fentence of tranfportation muft be reverfed; but inafmuch as the party had been found guilty, by the verdict of a Jury, the Court of Jufticiary fentenced him to be *banifhed* †. This cafe, then, eftablifhes two material points; firft, it fhews, that tranfportation is limited by jurifdiction, fo that in the original ftate of Scotland, there could be no tranfportation: next, it proves the diftinction which I contend for between tranfportation and banifhment; they prevent the fentence of tranfportation from being executed, and they inflict that of banifhment—that is, they fet afide the higher punifhment of expatriation, fervitude, and confinement to a particular place, and they pronounce the more lenient, and, therefore, the diftinct punifhment of fimple expatriation or exile from Scotland. This cafe took place fo late as the year 1767: it clearly marks and confirms the diftinction for which I contend, and it will not be afferted, that any competent authority has fince varied or altered the law.

This doctrine of tranfportation, or *banifhment*, accompanied with foreign or colonial imprifonment and fervitude, which are one and the fame thing, being founded in the authority of the ftate over foreign poffeffions, and controled by the defect of power in the courts beyond the bounds of the realm, is no theoretical fancy of mine. It is the genuine refult of the true principle of jurifdiction, and receives confirmation from the authority of Sir George Mackenzie ‡, who fays, "With us, "no judge can confine a man whom he banifheth, to a particular place "*out of his jurifdiction*; becaufe he hath no jurifdiction over other coun-"tries, and fo cannot make acts, or pronounce any fentences relative "to them."

Nothing can be more decifive than this authority, to confirm the principle which I have laid down, or to fhew that originally there was no tranfportation by the law of Scotland. The queftion then is, how did it become the law? For I admit, that to certain purpofes, and as the punifhment of certain crimes, it is now the law of Scotland to tranfport. But I contend that it is not the law as applicable to the crimes charged on Mr. Muir and Mr. Palmer.

The firft inftance of tranfportation in Scotland was in the year 1666 or 1667. It appears from Bifhop Burnet's Hiftory § of his own Times, that the tyranny and violence of the Earl of Middleton and Archbifhop Sharp had carried death and torture to fuch extremity, againft certain covenanters who were taken prifoners in the battle of Pentland Hills,

* *Secretary Dundas.* † *Maclaurin, p.* 367.
‡ *Criminal Law, p.* 266. § *Vol. I. p.* 333.

that the King wrote a letter to Scotland, calculated to repress the severities, without giving up the Ministers who had directed them to be inflicted. The King said, he approved of all that had been done, but added, that there was blood enough shed; and therefore that the best of the prisoners should be set at liberty, and the incorrigible be *sent to the plantations*. Thus the executive power began by its own authority what the Privy Council, (a court as odious to the memory of Scotsmen, as the Star Chamber is to that of Englishmen,) carried into effect with the assistance of that executive power; and the crown of both kingdoms being worn by one person, by a kind of silent acquiescence on the part of Scotland, the executive government of that country was enabled to carry these sentences into execution, though she had no plantations or dependencies of her own. Thereafter the punishment of transportation came by degrees to be inflicted by the Court of Justiciary; and I shall presently have occasion to shew in what manner the judgements of this last-mentioned court affect my argument. As to the Privy Council of Scotland, I deny the legal authority of that court entirely; I have therefore made no search into its records, for the purpose of this case, because they ought to be consigned, for ever, to oblivion, as the offspring of tyranny and injustice.

Here again I must observe, that this is no theory of mine, for here again I have the authority of Sir George Mackenzie to confirm my doctrine. He says in his Vindication of the Government of Scotland, in the reign of Charles the Second ‡, "As to the sending away the "people to the plantations, it is answered, that none were sent but such "as had been at Bothwell Bridge, or in Argyle's rebellion; and it was "changing a capital punishment into exile, which was an act of *clemen-* "*cy*, not of *cruelty*." This historical remark and apology not only establishes the origin of the punishment, but shews the crime to which it was applied; and it will be seen, when I come to state the decided cases, that in conformity to this idea, there seems to be no case *less than capital* upon the *records of Justiciary*, for which the punishment of transportation has been inflicted; consequently every case, without a single exception, is a case of mitigation, by exchanging the punishment of transportation for that of death.

Before I proceed to state those cases to the House, I will take the liberty to point out the language which the legislature of Scotland has spoken on this subject, by which the distinction between transportation and banishment, on the ground and foundation on which I have placed it, is clearly and unequivocally proved, and the word banishment in the act 1703 made out incontrovertibly, to mean simple expulsion from the realm.

There are various acts of Parliament on this subject. In the reign of Robert the Second, it is enacted in certain cases, *ut sit bannitus et exul*; and there is a series of acts from the time of James the First of Scotland, in 1424, to the act in question, in 1703, by which banishment is made a punishment. I will not tire you, Sir, with an enumeration of the acts, they are all upon the paper which I hold in my hand, and may be referred to by any gentleman who chooses to examine it. In the acts sometimes the expression is *banish*, sometimes *banish the realm*, sometimes *banish forth of the kingdom*; but all these expressions, I contend, mean the same thing, namely, expatriation, without foreign confinement or

‡ P. 344.

restraint: and, it is evident, from the state of rhe country, that, until the reign of Charles the Second, they could mean nothing else. Among the statutes against Leasing-making, there is one passed in 1609, the object of which may seem whimsical, as among other things, it makes it Leasing-making for Scotsmen to abuse Englishmen; now-a days, it might be more necessary to turn it the other way, and to make an act to prevent Englishmen from abusing Scotsmen. This act made the punishment of the crimes therein stated fine, imprisonment, *banishment*, or more rigorous corporal pain. It is a most material statute in the consideration of this question, because it is the act upon Leasing-making which immediately precedes the act of 1703. I need not inform you, Sir, that one of the most obvious, and, at the same time, one of the soundest rules for construing an act of Parliament, is to look back and see what law it altered. If it altered the common law, by finding out that rule of common law which it altered, you will be enabled to interpret the doubtful words in the statute. If it altered an act of Parliament, the same rule applies; by examining the act which it altered, a guide will be discovered for expounding the statute of doubtful meaning. Now, Sir, let me request those who are desirous of understanding this subject, to look to the statutes recited in the preamble of the act of 1703. They will find the act to which I have just referred, viz. 1609, cap, 9*. to be the last-mentioned act in that recital. This then is the statute which is to guide the exposition of the act in question, not only because it is the law immediately preceding it, but because it is an act *in pari materiâ*, upon the same subject-matter with that in question; and I need not enlarge upon its being an invariable rule in construing statutes, that all acts *in pari materiâ* are to receive a similar construction. The act of 1609 makes fine, imprisonment, and *banishment*, or more rigorous corporal pain, the punishment of the Leasing-making contained in that statute. The act of 1703 makes fine, imprisonment, and *banishment* (leaving out more rigorous corporal pain) the punishment; therefore, upon the principles just stated, whatever the word *bainshment* means in the act of 1609, that must be the meaning of it in the act of 1703. For that former act ss not only the immediately preceding law upon the subject of Leasing-making, but the alteration is made by omitting in the later act of 1703, the words in the former which go to corporal punishments, and retaining those words which relate to the other and milder punishment; the words retained, therefore, must receive the same interpretation in the last as in the first statute. Now, by the act of 1609, banishment could only mean simple expatriation, that is, exile from Scotland; it could not mean the aggravated banishment of transportation accompanied with confinement and servitude in a particular district, because the Court had no jurisdiction to inflict it, the legislature of Scotland, from defect of foreign colonial possessions, had no power to enact it, and usage had not in any respect sanctified it.

But the legislative exposition of the punishment does not rest here. There is another act of Parliament, which passed in 1670, cap. 1. which renders it still more clear. Sir, I have already referred to the state of Scotland during the close of the last century. The violence of the government of Archbishop Sharp and the Earl of Middleton on the one hand, and that of the fanatics on the other, produced many extraordinary laws. Among others, the act of 1670, c. 1. was passed to compel un-

* *It is cited in the flature of 1703, act James VI. Parl. 20. c. 9.*

willing witnesses to give the testimony against their fellow covenanters. It is there enacted, that the punishment of those who shall refuse to depone, "shall be fine and imprisonment, or BANISHMENT, *by sending them to His Majesty's plantations in the Indies*, or elsewhere, as His Majesty's Council shall think fit." Now banishment by sending to His Majesty's plantations is transportation. If these words had not been added, and it had stood, that the punishment for refusing to depone should be *banishment* simply, it must have been held, according to every rule of construction, that the word banishment standing alone, did not mean the aggravated banishment of transportation, but the ordinary banishment of simple expatriation, otherwise there would have been no use in adding the words, "*by sending them to His Majesty's plantations*," to have given it another quality, and thereby raised it to the higher punishment of transportation. But what removes all doubt as to this interpretation of the act, is this; the same statute goes on to say, "That the deposition any person may make against *another*, shall not infer against *himself* the loss of life, of member, or *banishment*," (without the additional words.) Now, under the unqualified expression *banishment* is clearly meant simple banishment, or expatriation; not banishment to a particular place, as in the former clause, but banishment from the realm of Scotland. The person giving testimony, therefore, though he might have been punished under this clause, with any pain inferior to banishment, could not have been sent out of the realm of Scotland into exile. But if the words of the statute in this, as in the former clause, had been, that the persons making depositions under the authority of the act, *should not be punishable with the loss of life, member, or* BANISHMENT *by sending them to His Majesty's plantations*, then the persons making deposition might have been punished with exile from the realm of Scotland, that is, with simple banishment; because the term *banishment* means no more than expatriation; but the superadded words, specifying the banishment to be to a particular place, namely, *the plantations*, converts banishment into that higher species of punishment, which is understood by transportation; consequently if the law had been so worded, persons giving testimony might have been banished or sent out of Scotland; whereas, as the act stands, nobody will contend that the banishment even of simple expatriation could have been inflicted. The true criterion to prove the distinction between *transportation* (or banishment to the plantations) and *banishment*, is to consider always what the punishment would be under the one prohibition, and what under the other. The prohibition of transportation includes banishment, but the prohibition of banishment itself, excludes the right to inflict this last-mentioned punishment. This act of 1670 therefore shews, that though the Scots legislature (from that inaccurate use of words, which I have before remarked as prevalent even in the courts and parliament of Scotland) did not adopt the language, yet it did adopt the distinction of the English legislature, by enacting banishment to a particular place, viz. *to the plantations*, to be the punishment in one case; while it excluded banishment *from Scotland*, as the punishment in another. I therefore contend, that I have established by the highest evidence of the law, viz. THE LANGUAGE OF THE LEGISLATURE IN ACTS OF PARLIAMENT, that the distinction between the punishments of banishment and transportation was in substance perfectly known and established in the law of Scotland.

Such, Sir, is the state of the statute law of Scotland on this subject, and such its sound construction. It is a singular feature in the constitution of the law of that country, that the effect and operation of statutes may be varied by usage, and that a series of judicial decisions will ope-

rate as a repeal of an act of Parliament. If such a principle exists, to the extent contended for, every part of this discussion becomes more important from the consequences necessarily resulting from that principle. In this stage of the proceeding, however, I have no interest to combat it, because it will appear presently, that the cases strengthen my proposition; inasmuch as they shew, that the judicial decisions of the Court of Justiciary have not varied the punishment introduced by the act of 1703. But on the contrary, those cases, as far as they have gone, have confirmed and enforced the statute, and sustain the construction which I have put upon it.

To enable me to judge of the effect and full import of this part of the question, I have carefully examined every case in the printed books, which has any relation to the subject, and I have received minute information from the industry of persons of knowledge, capacity and accuracy, by an inspection of the Justiciary records in Scotland, directing that inspection to the particular objects in question. And I think I may venture to state, without the fear of contradiction, *That* IN THE RECORDS OF THE COURTS OF JUSTICIARY, *there is not any instance of the punishment of transportation, for any crime, but such as is by the law of Scotland punished or punishable with death.* It would be endless, and of no avail, to go through each case particularly, especially as the object I have in view can be attained by considering the cases under distinct classes. The classes may be distinguished into cases that are *capital*, and cases that are *less than capital.*

The first class of capital cases consists of those, where the party has been convicted, and the appropriate and legal punishment was death. Such as cases of murder, rape, notorious adultery (which is death by the law of Scotland) assaulting a person in his dwelling-house, called *Hamesuchen* (which is likewise capital by that law) coining, and other crimes. In these instances, *transportation*, according to the sense in which I have explained it, has been in use to be inflicted by the sentences of the Court of Justiciary. But as those were all of them cases, where it operated as an alleviation of the punishment which might have been pronounced, no argument can be drawn from thence to favour the legality of the sentences in question.

The second class of capital cases consists of crimes, in their nature capital, where the punishment has been restricted, according to the practice of Scotland, to a discretionary or arbitrary punishment. To understand this, Sir, it is necessary to observe, that previous to the matter being referred to the consideration of a Jury, there is a judgement of the court pronounced, upon what is called the Relevancy of the libel, or indictment; in which the court determines the nature of the crime charged in the indictment, whether it is so charged as to be sufficient in law, and what punishment the law annexes to the crime. It happens frequently in the course of this proceeding, that the libel or indictment, although the crime it charges be a capital crime, is limited to infer an arbitrary punishment, that is, any punishment short of death, which the court chuses to inflict. In such cases as these, the court has been in use to pronounce the punishment of transportation. But this class of cases does not, any more than the former class, affect the present question, or disturb any doctrine which I have laid down, or any conclusion which I have drawn from the statute law; because the original crime being capital in its nature, to inflict the punishment of transportation was, in this, as in the former class, to use the words of Sir George Mackenzie in his vindication of Charles II. *mercy* and not *cruelty.*

A third class of capital cases is, where capital punishments have been pronounced, but have, by compact or pardon, been commuted for the punishment of transportation. This class of cases cannot shake my argument, because what is matter of agreement cannot affect the law.

Of crimes which might be reckoned on as *less than capital*, there is first of all a case of mobbing, tried in the year 1771 *. In that case it appears that some of the parties convicted were transported. But this, though it seems to form an exception to my doctrine, yet, when examined, does not affect it at all. Because, in the first place, it is clear law, and law for which again I have the authority of Sir George Mackenzie, that *paritas rationis* was never held to be a reason for punishing crimes. But independent of that argument, the case to which I now allude, is one in which the parties are indicted upon the Riot Act, viz. the 1st of George I. which extends to Scotland. They are indicted too upon other grounds. But as far as they are charged upon the Riot Act, they are charged with an offence in its nature *capital*. The verdict is a general verdict of guilty, and the court does not distinguish, and could not distinguish, in appropriating the punishment. Consequently this which appears at first sight a case less than capital, is in fact a capital case, and therefore forms no exception to the doctrine which I maintain, namely, that there does not appear to be any case, in the records of Justiciary, *less than capital*, in which the punishment of transportation has been inflicted.

The next case of a crime less than capital which occurs, is one of subornation of perjury †, which is, in my opinion, decisive of the whole question. The punishment inflicted by the Court of Justiciary upon a person convicted of that crime, as late as 1738, was *banishment*, with certification that if the party returned he should be *transported*. Here then is a case less than capital, where the punishment is arbitrary, that is, discretionary, where the discretion dictated the punishment of *banishment*, and where the greater punishment of *transportation* is to be inflicted in case of return; establishing at a very recent period, not only the gradation of those punishments, but the distinction between them.

The remaining cases which fall under the class of cases *less than capital*, are of the same nature with those which are the object of the present discussion, viz. seditious libel. The judgements upon which put this matter, in my opinion, beyond the possibility of doubt or cavil.

Early in the present century (when there was a disputed succession, and a deposed family pretending to the throne of these kingdoms) there were many prosecutions for offences in the nature of *Leasing-making*, by libelling the government of the country, and even the monarch himself. One of them happened in 1712; it was an indictment for *Leasing-making*, against a gentleman for distributing medals, and making speeches in the faculty of advocates, tending to favour the pretender ‡. This indictment never came to trial; *the diet*, as it is phrased in Scotland, was deserted, and the matter was never carried farther. But though the Jury did not try, nor the court pronounce judgement on the accused, it is a material case in one point of view. It shews, that for an offence of this sort (and there is no possible difference in the specific quality of that crime and of those in question) the charge was *Leasing-making*, and there was no attempt what-

* *Criminal cases by Maclaurin, now a Lord of Session by the title of Lord Deghorn, page 541.*

† *Maclaurin, page 661.*

‡ *Mr. James Dundas of Arniston.*

ever to lay it as the crime of sedition alone, although a convocation of the people might have been proved.

The other prosecutions were in 1715, or near that period. They are all here before me, faithfully extracted from the *records of Justiciary*.

There are several of them, but I will confine my observations to two cases. The first, the case of *Graham*, CRAWFORD, and *Hogg*, who were indicted for drinking the Pretender's health in the streets of Edinburgh, with huzzaing, aud hautboys playing to them all the time. They were indicted for *Leasing-making*.

Sir David Dalrymple was the Lord Advocate who prosecuted them. What he says is very material. In his information on the relevancy of the libel, which is not a speech spoken, but a written paper maturely weighed and deliberately advised upon, he lays it down that "*Leasing-making* is a *general name for every injury tending to* SEDITION or DISCORD; that the crime does not consist in speaking directly against the king, but in speaking falsely to engender sedition to the contempt of the king's authority, state, and dignity. The laws against *Leasing-making*, he says, were antiently odious: but *since the happy* REVOLUTION, that crime, amongst many others, has happily been removed. What was useful in the acts against Leasing-making, was preserved by the 4th chapter of the act of 1703. The BITTERNESS of the punishment is restrained, and so the ODIOUSNESS of THE LAW is taken off."

This was the opinion of a Lord Advocate, deliberately given into the court in writing, within ten years after the passing of the act of 1703, when all the circumstances concerning it must have been fresh in his memory, and in that of the whole country; and when the persons who framed and passed the law must have been still alive.

The old law, or rather the punishment of the old law, is not only reckoned odious, but it is clearly the opinion of Sir David Dalrymple, that the alteration brought about by the act of 1703, according to the genealogy which I have ascribed to it, is to be traced *to the Revolution*; and that the object which was accomplished, namely, the restraining the bitterness of the punishment, and removing the odiousness of the law, applied not only to Leasing-making or libel, but to all crimes tending to SEDITION and DISCORD; for he says in positive terms, that *Leasing-making* is the general name for every injury *tending to sedition and discord*. The punishment of transportation never entered his mind, as one which the Court of Justiciary could inflict in such a case; because, to inflict that punishment, would have been leaving the BITTERNESS of the punishment unrestrained, and would not have taken off the ODIOUSNESS of the law.

The judgment on the relevancy of the libel under that indictment was, finding the *pannels** drinking the health of King James, and his happy restoration, relevant to infer an *arbitrary punishment*.

CRAWFORD is found guilty by the verdict of the jury, the others not; and the sentence inflicted by the court was *a fine of fifty pounds sterling*.

About the same time, OLIPHANT WATSON and others, magistrates of Dundee, were indicted for drinking the pretender's health, and for stopping the ringing of the bells of the town on the accession of George I. The libel was found relevant to infer an *arbitrary punishment*.

The jury found them guilty, and the court inflicted the punishment of

* *Defendants.*

deprivation of office, incapability of enjoying office in all time coming, and *a fine*, with *imprisonment for one month*.

From these cases, Sir, I have a right to draw this conclusion; that the punishment of transportation is inapplicable to the crime of *Leasing-making*, or to any crime tending to *sedition* or *discord*, not only upon the authority of Sir David Dalrymple, the Lord Advocate, and of the Court which pronounced the judgments, but upon this strong and unanswerable ground, that there is not any instance to be found in the *records* of *Justiciary*, in which that punishment has been inflicted for such an offence: no one surely will pretend to say, that in the then existing state of the country, with a Popish pretender, a recent rebellion and the house of Brunswick but newly seated on the throne of these realms, in a part of the united kingdom where the abdicated family was known to have many adherents, and where some of the parties accused were in the actual exercise of magisterial functions, the crimes alledged, and proved, and punished, were not crimes of a most heinous nature and most dangerous tendency.

From these cases, and from this deduction, I draw this undeniable conclusion, that, although transportation is an *arbitrary punishment* by the law of Scotland, it is an arbitrary punishment only in cases in their nature capital, because it is only in such cases that it has been used; that is, it is an arbitrary punishment in the scale downwards, but not in the scale upwards; that in that country as in this, it is a punishment appropriate to felonies, not to misdemeanors; that it cannot be ranked as an arbitrary punishment in inferior crimes, because to such crimes it never has been applied — and here again I must have recourse to Sir George Mackenzie, who says, as I have already shewn, that *parites rationis* was never held by our ancestors to be a reason for punishing crimes. A doctrine which, being founded in a sound principle of criminal jurisprudence, viz. the certainty of punishments and safety of the accused, will apply universally; but which is peculiarly applicable to the understood constitution of the criminal law of Scotland, and is well illustrated by a leading and marked distinction between the constitution of the criminal law of that country and of this.

By the law of England, crimes are divided into certain generic classes, and it might, though not conclusively, perhaps be said, that you may reason from one generic set of crimes to another; but in Scotland there is no such distinction. There misdemeanor is not the genus of a *distinct* class of offences; but each offence of that sort stands, as it were, on its own separate and distinct ground. Therefore in reasoning on the law of Scotland, you cannot possibly reason from misdemeanor to misdemeanor, and say, because one misdemeanor infers one sort of punishment, another shall infer that punishment likewise. Usage forms a most material part even of the criminal code of the law of Scotland. The inferior crimes or delicts are all distinct and specific, and not generic. Usage, therefore, in regulating punishment, should be permitted to extend only to the cases where that punishment has been used, otherwise a supposed analogy of crimes would leave all arbitrary punishments to the will of the Court, and annihilate all certainty, that most necessary ingredient in every system of criminal jurisprudence. If the arbitrary punishment of transportation, therefore, has been applied to crimes capital, it is fair to say, that it may be applied to all capital crimes, because they form a general class. But if it has never been the usage to apply it to crimes less than capital, it shall not at pleasure be now extended to them. Nay, Sir, if that could be shewn, which I believe cannot be shewn, I mean, if it

could be shewn that crimes less than capital had received that punishment, I should still contend that those crimes only to which the punishment of transportation has been specifically applied could be so punished, and that no crime or offence to which it never had been applied could at this time of day, by the will of the Court, have that punishment pronounced upon it. For example, if *perjury* had been in use to be so punished, it would not follow that *libel* could be so punished; if *assault* had been in use to be so punished, it would not follow that *subornation of perjury* could be so punished, because the usage which had established the punishment in one case could not, by parity of reason, be held to extend it to another; and therefore, if the crime of *Leasing-making*, or those injuries which lead to *sedition* and *discord*, has never been punished with transportation, that punishment cannot be applied to it now. This doctrine, Sir, I persuade myself, is founded in sound sense, in substantial justice, and in the true maxims of criminal jurisprudence. Sir, it is a doctrine material in every view of it, particularly in considering those laws which have passed in the Parliament of Great Britain upon the subject of transportation, because there is great danger, by combining the police regulations of those statutes with a loose construction of the law of Scotland in awarding punishments, of establishing a system which would subvert, by inference, the whole system of Scots criminal law.

Sir, I shall now shew, in conformity to what I have stated in the close of my second proposition, that no statute of the British Parliament has altered the law; consequently, that the Court of Justiciary has no power to pass sentences, which it did not antecedently possess; and that the law remains now, with respect to the crime of *Leasing-making*, and all crimes tending to *sedition* or *discord*, precisely on the footing on which it was placed by the act of 1703.

It is unnecessary, Sir, to inform the House, that as to some offences, such as taking cloth from tenters, and certain offences on the *Borders*, the punishment of transportation was enacted in the reign of Charles the Second, soon after the Restoration. But the statute by which that punishment was introduced into the law of England, as generally applicable to felonies, is the 4th of Geo. I. c. 11. That statute proves, that in England there was no such punishment at common law, but that it is the creature of parliament, and all the statutes prove that transportation is a punishment for felonies only. The material observation at present, however, is, that the act of George the First ordains that nothing therein shall be construed to extend to Scotland.

The first British statute upon the subject of transportation, applicable to Scotland, is that of the 6th of Geo, III. c. 32, and it forms a very important part of the present consideration. The practice of Scotland, as I have shewn, had been to adjudge the punishment of transportation in *capital offences*, from the latter end of the last century, viz. from 1670 to the year 1766, when this last-mentioned statute passed, without any legislative authority whatever. At this last-mentioned period, it was found necessary to pass the act to which I have referred, which is material both in its title and preamble. It is "An act to extend the 4th of "Geo. I. so far as it relates to the more effectual transportation of felons, to Scotland." The preamble imports that there were certain provisions in the 4th of Geo. I. respecting the contracting for the servitude of the persons transported, which it would be convenient and necessary to extend to Scotland. It therefore enacts that it should be lawful to contract for such servitude, so often as *any sentence of transportation* should be inflicted.

This act, I admit to the fullest extent to which it can be contended, is to be considered as a statutory recognition of the punishment of transportation by the law of Scotland, because it is an act applying a regulation of police to a punishment supposed, by the very application of the regulation, to have a pre-existence. But the question is, what did it recognize, and how far forth did it sanctify the application of that punishment? I say it must be held to have recognized it so far as it had been used, and not one hair's breadth farther. Therefore, as the punishment of transportation does not appear to have been inflicted, in any case within the jurisdiction of the Court of Justiciary not in its nature capital, so the recognition is limited to capital crimes, and cannot be extended to any offence of a lower denomination. I admit that it sanctifies transportation as an arbitrary punishment—but as an arbitrary punishment for capital crimes only; that is, as an arbitrary punishment in mitigation, but not in aggravation—or, in the language of Sir George Mackenzie, as an act of *clemency*, not of *cruelty*. And so the act is framed, for it is clear that it means only to regulate the punishment of capital offences, as is evident from its second section.

Upon this footing, the law stood from 1766 to 1785, when the separation from America, and the impossibility of transporting to that country rendered the act of the 25th of Geo. III. c. 46. necessary.

That act proceeds upon an act in the preceding year, regulating the transportation of convicts from England. The object of the English statute was to enable the courts to order persons liable to the punishment of transportation to be sent to such places as His Majesty, with advice of his Privy Council, should think fit; and in the speech from the throne, at the commencement of the subsequent session of Parliament, His Majesty intimated that Botany Bay, in New South Wales, was to be the place.

The act upon which I have been observing did not include Scotland by name, and must therefore have been held not to have extended to Scotland *.

It is in the nature of a mere regulation of police, substituting a new place of transportation in the room of America, to which we could no longer send our convicts. The act respecting Scotland, viz. the 25th of the King, c. 46, follows the English act verbatim in its title, and accurately in its object; it must be considered, therefore, as embracing the object of police or regulation only, in consequence of the loss of America, and cannot be supposed to have had in view any alteration in the penal code of Scotland. Of course, it must be construed so far as to confine its effect to the object of police; and indeed, Sir, it would be a most grievous and alarming consideration, if it were possible by implication to make an alteration in the principle of the law, where all that was meant was a regulation as to the mode of executing a sentence. Hence I contend, that the construction of it must be *strictissimi juris*, without enlargement by implication beyond its meaning or professed object. Having seen that its object is mere regulation of police, let us next consider its enactments. It enacts, that "when any person shall be convicted of an offence for which the punishment of TRANSPORTATION or BANISHMENT BEYOND SEAS may be inflicted, it shall and may be lawful for the court to adjudge him to be transported to

* *It is intitled, "An act for the more effectual transportation of felons, and "other offenders." It is 24th Geo. III. c. 56.*

whatever place His Majesty, with advice of his Privy Council, may direct."

The question then is, does *banishment beyond seas* carry the power of the court higher than it stood before? To which I have no difficulty in saying, that it cannot be so held. 1st. Because it is a law of police, and must not be permitted to alter the criminal code, where that code limited punishment to simple banishment or expatriation, without the aggravations of confinement and servitude attendant on transportation. 2dly. Because, applying it to the subject under consideration, it is to be held, that whatever was the punishment which the act of 1703 imposed, that is the punishment lawfully to be inflicted, and no other mode of exile more aggravated in its nature. By act of 1703, banishment from Scotland only is meant, as I have already shewn; consequently *banishment beyond seas*, could not be lawfully inflicted on the crime of Leasing-making, if by banishment beyond seas be meant the power of detaining the person so sent beyond seas in confinement in a particular place; and if so, the act of the 25th of the King, c. 56, does not by means of these words make any alteration in the law as to the subject under consideration. Next, it is clear that the words, *banishment beyond seas*, may fairly be construed to be synonimous with transportation, and to mean the same thing, or to be a mere explanation of that word. And what confirms me in that opinion is, the form and phrase of the act of the 6th Geo. III. There the word *transportation* alone is used without any explanation; yet every thing which relates to the mode of carrying transportation into execution, which can be done under the 25th of the King, could have been done under the 6th of the King, and therefore the words, *banishment beyond seas*, carry the case no higher in any respect than it stood before the 25th of the King.

It is impossible to argue, that if the offences under consideration had been committed, at any period between the year 1766 and 1785, (that is, between the 6th of Geo. III. and 25th of Geo. III.) that there would have been any pretence for extending the punishment of transportation to *Leasing-making*, or to any crime tending to *sedition* or *discord* under the words of the act 1766, or under its general import: and surely accidental words of mere tautology shall not be construed to have that effect, especially when no intermediate case has happened to justify a stretch so unthought-of, and so extraordinary.

But, Sir, if these words could be construed to have the effect of thus altering the law, it is clear that it was not the intention of the Legislature to make that alteration; but that it is purely the result of an unobserved and accidental expression having found its way into this act of parliament, viz. *Banishment beyond seas*. In that view of the case shall it be said, that this House will stand by and see a sentence executed under such circumstances; — warranted neither by the statute law of Scotland, by the general system of the Scots criminal code, or by the analogies of the law of England, without endeavouring to stop it in its course?

Other important observations arise on the act 1785*; for example, "it is enacted, that if the transported person shall return to Great Britain or *Ireland*, that he shall (upon being lawfully convicted) suffer death, as in cases of felony, without benefit of clergy." This clause is likewise to be found in the act of the 4th of George the First. It is likewise material to observe, that that clause is included in all the acts from the time of Charles the Second, down to the 25th of the King,

* *25th of Geo. III. c. 56.*

c. 46. From hence I draw this conclusion, that without the enactment of the legislature upon every new system of regulation for transporting criminals, it would not be lawful for any court to inflict the pain of death upon return: and as Parliament has observed the same rule in the statutes which relate to Scotland, as in those which relate to England, I contend that the observation is equally applicable to Scotland and to England. So that the legislature by inserting that provision in the act of the 25th of Geo. III. shews that Parliament did not think the power would extend to a return from Botany Bay, because it had been enacted in the 6th of Geo. III. with respect to returns from America.

If I have been successful in shewing that the act of the 25th of the King does not apply to the case of *Leasing-making*, or to offences tending to *sedition* or *discord*, and does not vary or alter the meaning of the word *banishment* in the act of 1703, it follows as a corrollary from that proposition, that the punishment of death upon return cannot be legally inflicted.—And when it is recollected that the view and object of this last-mentioned act was to repeal the punishment of death, in all the cases of public libel or *Leasing-making*, to which by the old laws of Scotland it had been applied; and that it enacts, that if the party is *poor*, and cannot pay a fine, he shall be punished in his body, *life and limb being always preserved*; it confirms that part of my second proposition beyond a doubt; viz. "That annexing the penalty of death upon return, is an aggravation of the punishment, not warranted by law."

Sir, there is another most extraordinary circumstance in this sentence; which, though I do not rest upon it as affecting this case, fundamentally, yet I cannot pass it over entirely. It is a powerful instance of the ill consequences that arise from the want of an appellate jurisdiction. The act of the 25th of Geo. III. says, if the transported person returns to Great Britain or *Ireland*, he shall suffer death. The sentence says, (and I speak from an authentic official copy, for in such a case, I could not but distrust the printed account, till I found it coincide in this, as in every thing else, with the office copy of the record) I say, Sir, the sentence is, that if after being so transported, Mr. Muir shall return to, and be found at large within any part of *Great Britain* during fourteen years, he shall *suffer death*, as in cases of felony, without benefit of clergy. So that the act says one thing, the sentence says another. The act says, he shall be liable to suffer death if he returns to *Ireland*, or to Great Britain: the sentence says nothing of *Ireland*. Sir, the sentence should run in the very words of the act, otherwise it misleads. *Ignorantia juris neminem excusat*, is a principle of law which must pervade the jurisprudence of every civilized nation. Without such a principle, laws, both civil and criminal, would be incapable of execution, and therefore it behoves courts of justice, the more, to take care that their sentences run in the terms of the law; otherwise they operate as snares to the objects of them. What so natural as that the offender should look to the sentence only? If he does in this case, he might think himself safe to return to *Ireland*; and yet if he returns there, he will be liable to be executed as a felon, because ignorance of the law is no excuse. For although the sentence omits Ireland, the statute includes it, and the statute, and not the sentence, constitutes the law. If, on the other hand, it should be contended, that the court in its sentence is not bound to follow the act, it then comes to this, that the act is no part of the present consideration, that the judges *probably* did not read it, that they certainly did not proceed upon it, and consequently that the law is not varied by it; for it cannot be asserted that it varies the

law, so as to cover the sentence, and yet that the court is entitled to deviate from the act of Parliament which makes the law.

This, Sir, undoubtedly, is a most serious feature, not only in this case, but in the whole system of judicial jurisprudence in Scotland, in criminal matters.

In this stage of the argument, Sir, I do not hesitate to assert, that I have said enough to shew that grave and serious doubts exist with regard to these sentences in point of law, and that the crime, charged in the indictment, being nothing else then *Leasing-making*, the punishment must follow the statute of 1703; of which the highest punishment is banishment; that no higher punishment could be inflicted, than mere expulsion from the realm, that is, from Scotland; that although the party might be carried beyond seas, by the mode of executing the sentence of banishment, yet he could, afterwards, go, at his pleasure, to any part of the world but Scotland.

Having thus gone through the second proposition which I had the honour to lay before you, in the commencement of what I have said, I proceed now to shew, according to my third proposition:

"That if the acts charged in the indictments do not constitute the "crime of *Leasing-making*, or *public libel*, the indictments charge no "crime known to the law of Scotland;"

First, "Because there is no such crime known to the law of Scotland, "at common law, as *Sedition* constituting a distinct and separate offence: "and the offences in question do not fall within the statutory seditions."

Secondly, "Because if there is such a crime, at common law, these "indictments do not charge it, and it would be contrary to law to punish "that offence by *transportation*, and not warranted by law to inflict the "pain of *death* for returning from such *transportation*."

Of the important and weighty considerations in this momentous cause, this seems to me to be the most weighty in its principle and consequences. The other parts of the case are grave and interesting; but this, if I am not mistaken in my conception, oversets the most important maxim that is to be met with in the whole circle of judicial jurisprudence.

The maxim to which I refer, is that short but material one, that the office of a judge, or court of justice, is, JUS DICERE, not JUS DARE, to *interpret law*, not to *make law*.

If the judicial power in any instance usurps the right of making laws, the consequence must be uncertainty, tyranny, and oppression. Yet if the crime of sedition, as contended for under these recent cases, exists in Scotland, I will venture to assert, that it can stand on no other ground but that most dangerous assumption of the legislative power, by the judicial.

Sir, I have heard that it has been said in the course of the late proceedings in the Court of Justiciary, "That alterations in the state of society produce new manners, that new manners produce new vices, "and new vices produce new crimes." From which the inference to be expected is, that the Legislature should regulate and provide for their trial and punishment. No, Sir, no such thing. The inference which has been made is, "That the Court of Justiciary has an inherent power to "pronounce upon these new crimes, and to appropriate such a punishment "to them as they shall think fit."

It would be a great relief to me to hear a denial of this representation. But if it was said, then I ask whether there ever was a doctrine held by the Star Chamber, or High Commission Court, which went more directly to the insecurity and oppression of the subject? And yet, without some such doctrine as this, I do not know how the crime of *sedition*, as contended for, in support of these judgements, can be maintained.

There are two classes of statutes relative to sedition, besides those against *Leasing-making*. The one class relates to risings or conventions in burghs, without authority. It will not be asserted that the cases of Mr. Muir and Mr. Palmer fall under them. The other class relates to conventicles, or unauthorised assemblies, convocated for the purpose of seditiously promoting a certain form of church government. They were enacted upon the occasion of the religious commotions of the last century. They are all repealed, expired, or gone with the occasion which gave them birth; and it would not, at any rate, be said, that they apply to the cases of Mr. Muir and Mr. Palmer.

There being no other class of statutory regulations which ranks sedition as a crime, its existence, in the sense contended for, must rest either on the proposition which I have stated, and which, I am sure, nobody in this House will venture to maintain, namely, that the Judges may *make law*, as well as *interpret law*; or upon some authority equal to statute, namely, a clear, unequivocal usage, and an acquiescent Legislature, which may constitute something like common law upon the subject.

Now, Sir, though I cannot have looked with my own eyes into the criminal records of Scotland, yet I will venture, upon the investigation which has been made under the direction which I have given, to assert three propositions, all of which I defy the learned Lord *, or any other person, however versed in the law of Scotland, to contradict.

First, I assert, that there is not a single instance to be found in *the Records of Justiciary*, where the crime of sedition has been tried distinctly from treason or leasing-making.

Secondly, That there is not a single instance of sedition, indicted, tried, and punished as a crime at common law, by itself.

Thirdly, There is not a single instance of *sedition* being punished with *transportation*.

All these propositions are conceived in a negative form: yet, bold as it is thus to assert *negatively*, I have no difficulty in asserting them. If these facts cannot be contradicted, I am then entitled to say that there is no one requisite which can bring the crime of sedition, and the punishment of transportation for that crime, within the principle of common law; for if there is no instance of an indictment for the crime by itself, and none of the punishment of transportation having been inflicted, even, when it has been indicted for, in conjunction with another offence, there cannot have been any acquiescence or usage to establish its existence as a distinct indictable crime. The only other offence, to which the term of sedition is applied, is the crime of *seditio regni*, which was a crime of a higher nature, and amounted to treason. It is clear from one of the most ancient authorities in the law of Scotland, the *Regiam Majestatem*, Book I. chap. i. § 4 and 5, Book IV. chap. i. § 2 and 5, that sedition, or *seditio regni*, was a crime consisting of acts, and not of words, aiming at the overthrow of the King and Government; and that it fell within the description of treason, and was considered by Sir George Skene, a lawyer and antiquarian, whose authority will not be disputed, as treason.

It appears from Sir George Mackenzie's criminal law, Book I. tit. 7, on sedition (as I have already had occasion to shew, in reasoning upon the form of the indictment) that there is a clear distinction between the sedition, which amounts to treason, and the sedition which is analogous to riot;

* *The Lord Advocate of Scotland.*

he terms this last, as I have already stated, *simple convocation*, and says it is not held generally to be *crimen per se*; and he lays it down distinctly that there is no gradation between the sedition of treason, and the sedition of *simple convocation* of the *Leiges*,* so that there is, not only, no case to support the crime, and punishment of sedition, as distinct from *Leasing-making*, but all the general doctrine is decidedly adverse to the possibility of such a distinction.

It seems as if all crimes against the State in Scotland had their origin in statute, and that between *seditio regni*, which is treason, and *Leasing-making*, or simple convocation, with the exception of the statutory crimes within boroughs and in conventicles, already alluded to, there is no intermediate offence; a doctrine which is confirmed by the opinion of Sir David Dalrymple (in the case of *Graham*) in 1715, to which I have already referred, and on which I will not again enlarge.

Upon this part of the law, a very serious consideration arises. Let us suppose that the whole STATE LAW of a country has rested on statute only, and that any part of the statute law is repealed, and nothing put in its place by the Legislature; is it clear that by this act of repeal, a new crime rises at common law, as a necessary consequence of that repeal; and that it rests with the will of a court of justice, to ascertain the nature of such an offence, and apportion its punishment? Such a doctrine would completely overset the maxim to which I have referred; that Judges ought to *interpret law*, but ought not to *make law*. I take it, Sir, that there is a fundamental distinction in this view of the subject, between crimes which are *mala in se*, and those crimes which are in the nature of *mala prohibita*. In the first case, the crime would revert to its original order; in the second, the question with me is, whether it would not sink entirely, until created again, by an act of the Legislature. For example, Sir, by the law of Scotland, *murder in trust*, that is, a schoolmaster or guardian murdering his scholar or ward, was *treason*. By the treason laws of England being extended to Scotland, that crime is no longer treason; but it does not therefore cease to be a crime, for this powerful reason. The crime of murder is *malum in se*, and is prohibited by the law of nature, which is the common law of every civilized community; consequently it returns to that class to which it originally belonged, and is triable and punishable as the crime of murder. But it does not follow that such is the case with crimes of positive institution; and therefore when state crimes have stood invariably upon statute law, if those statutes which created them are taken away by statute, it should seem that the Legislature which takes them away, must put something in their place; otherwise, if it is left to the courts of law to act without statute, the judicial power would be confounded with the legislative, and Judges might, according to their fancy, create what crimes, and inflict what punishments they pleased. So that if sedition was formerly enacted to be treason by the law of Scotland, and those treasons are repealed or varied by the act which made the treason law of England extend to Scotland; the treason of sedition is of course annihilated, but it does not follow that another offence of sedition rises at common law †.

* *Leiges means the people—Those who are bound to allegiance.*

† *The doctrine here laid down is effectually proved, by the conduct of the Parliament of Great Britain, in assimilating the treason laws of England and Scotland. By the 7th of Anne, c. 21, sect. 7, it is particularly provided "That theft in landed men and other crimes, which were treason by*

In no view of this subject, therefore, can it be said that the crime of sedition exists in Scotland, at common law, *tanquam crimen per se*. Far less can the punishment inflicted be founded in law, for no instance of the punishment of transportation can be shewn, in the records of justiciary, in any case of *Leasing-making*; and no trial *whatever* for sedition alone, excluding always that sedition which amounts to treason. When to this I add the momentous consideration, that the Court of Justiciary, in which this legislative power is said to rest, is a court from which there is *no appeal*, but that it is at once *original* and *final*; I cannot, for a moment, give my assent to the doctrine contended for, in support of these judgements being justified on the footing of the charge being for sedition generally, without admitting that there exists in this country, which boasts of its freedom and its laws, a system of judicial tyranny, as dangerous as any that ever was contended for in the arbitrary reigns of the race of Stewart.

Upon the whole, Sir, I feel myself entitled to conclude, that the legality of these judgements is most questionable, because the crime charged in the indictment is merely *Leasing-making*; because the statute of 1703, limits the punishment of that crime to fine, imprisonment, and *banishment*, by which word *banishment*, is meant simple expatriation, unaccompanied with the aggravating circumstances which attend *transportation*, because the pain of death is taken away by the statute of 1703; and yet by the sentences, death is to be inflicted in case of return: and, lastly, because there is no common-law crime of sedition, taken by itself separately and distinctly, nor any instance whatever of the punishment of transportation for that crime to be found in the criminal records of the Court of Justiciary. From all which I draw this unanswerable conclusion, that what should lead to the reversal of the sentence in a court of law, upon the ground of legal error, should determine this House to address the throne for *mercy*, as the only means left to attain the ends of justice.

I am perfectly sensible, Sir, of the unavoidable length of the subject, which I have thought it my duty to bring forward. But the importance of the case to the public, and the necessity I feel, on my own account, to make out every point, in a question which brings before you the conduct of a supreme court of judicature, in matter of law or discretion, make me hope that you, Sir, and the House, will continue to me that favourable attention which you have hitherto shewn me, especially, as I can promise that the topics which I am now about to agitate, are of a more interesting nature than that long legal discussion which I have been under the necessity of laying before you.

I now proceed to state certain specialities in the case of Mr. Muir, which do not constitute legal error, but which, according to the law of this country, would induce a court of justice to grant a new trial, and should therefore induce this House to adopt the motions with which I shall conclude. According to the practice of Scotland, if a party is once condemned, however evident it may be that he has not been properly tried, he has no remedy, but must resort to the mercy of the Crown, or the interposition of Parliament.

In the case of Mr. Muir there has been a MIS-TRIAL. *First*, because evidence was admitted against him, which ought not, according to law,

the law of Scotland, should thereafter be considered as capital offences; so that the statute even exceeds my position, by not leaving it to the common law to punish those offences as mala in se.

to have been admitted. *Secondly*, because persons were permitted to pass upon the Jury, to whom there was a legal ground of objection. *Lastly*, because a witness, who was called in his defence, was committed for prevarication, prevented from being examined, and his testimony withheld from the consideration of the Jury; notwithstanding the interposition and application of Mr. Muir to have him examined. It will be necessary, in order to make the first of those objections intelligible, that I should explain to the House, a circumstance of a peculiar nature in the criminal law of Scotland. By that law, under an act of the twelfth Parliament of James Sixth of Scotland, and First of England, cap. 151, it is ordained, "that in time coming, all criminal libels shall contain, that "the persons complained of are *art* and *part* of the crimes libelled, which "shall be relevant to accuse them thereof, so that no objection or exception take away that part of the libel in time coming." By *art* is meant, that the crime was committed by his contrivance; by *part*, that he was a participator in it. In one word, it is analogous to the term *accessory* in the law of England. From the statute just referred to, the person charged as principal could likewise be charged, in the same indictment, as accessory to those very crimes with which he was charged as principal. But then it is clear that the charge of accessory cannot, by the words of the statute, apply to any other crime than the principal crime charged or libelled, not to any other *time* than the *time* laid in the indictment.

All that the statute does, is to prevent the indictment from being defective in law, because it contains allegations that the party, charged as principal, is accessory to those very crimes with which he is charged as principal. Accordingly, in this indictment, Mr. Muir is indicted as being *art* and *part* in the crimes with which he is charged principally. It is material therefore to see what the principal crimes are of which he is accused, and what the time is when he is said to have committed them. The acts of criminality charged are, having endeavoured, by speeches, to inculcate seditious doctrines at certain places specified. Having distributed Mr. Paine's works, certain passages of which are set forth in the indictment of criminal libel. Having put into the hands of one William Muir, a work called the Patriot, and having laid before a meeting of the Friends of the People in Edinburgh, the Address of the United Irishmen. These are the specific offences charged, and the time of committing them is set forth to have been in the months of September, October, November, and December, of the year 1792. It appears from the forty-first and forty-second pages of the trial by Creech, that Robert Weddell, a witness for the prosecution, was asked, if he remembered *Flower* on the French Constitution, being mentioned by Mr. Muir, and what was said of it? Mr. Muir objected to this question, because nothing respecting that book was charged against him in the indictment. The Lord Advocate contended that he was entitled to support the general charge of sedition, in the minor proposition of the indictment, by general evidence. Mr. Muir said, he could not be permitted to prove the murder of *William*, under an accusation of the murder of *John*; so the inquiry about *Flower's* book could not be admitted where the charge was publishing *Paine's*. Mr. Creech's account says, that the Court was going to give their opinion, when the Lord Advocate said, he would not give them the trouble, as it was a matter of no importance. The other accounts of the trial say, that the court did give their opinion in favour of the evidence being admissible under the general charge of *art* and *part*, or *accessory*; and that the Lord Advocate then declined proceeding. This part of the trial, therefore, only

shews the tendency of the practice and opinion of the court, without forming a ground of objection, the evidence not being pressed. But in the *fifty-fifth* and following pages of the trial by Creech, it appears, that the same principle was insisted upon by the prosecutor, and ruled by the court.

Anne Fisher, a menial servant in Mr. Muir's family, says, "That she "remembers Mr. Muir speaking of the courts in this country, and say-"ing a reform was necessary in the Court of Session and Justiciary; "that there was much nonsense in the Lords coming in parade into "Glasgow, and that the court got their money for nothing, but passing "sentence on poor creatures; that after a trial in Glasgow, where Mr. "Muir was advocate for two soldiers, he said, he had told the court "and jury what they might expect."

"*Mr. Muir* here objected to the witness's observations on his slander-"ing the court, being admitted as evidence, on the same grounds as "before, as such a charge was not to be found in the indictment."

"*Lord Advocate.* The question is simply this; Has the pannel done "any thing feloniously or seditiously against the King or Constitutional "Government of the country? and to establish this I may draw my "evidence from every quarter, and from every subject, not merely "from people in the streets, but from his domestics; nor am I obliged "in the indictment to go into a full condescendence of facts; otherwise "I might have made it large enough to have encircled the room."

"*Mr. Muir* —I mean only to state a broad fact, which is, that all "criminal indictments should be particular, and the facts specially con-"descended upon; that if I am accused of murdering John, I may not "be charged with murdering James; so for the same reason, if I am "accused of sedition, the facts intended to prove that, must be fully "stated."

"The court were of opinion, that the general terms of the indictment "were sufficient to warrant the questions relating to the courts, which "were a part of the Constitution of the country; that the statute, 6th "Jac. I.*, allowed other facts to be adduced to establish the general "crime charged, and therefore repelled the objection."

By this decision, matter was permitted to go to the consideration of the Jury, which upon every principle of law ought to have been withheld from them. And here again, Sir, I call to my aid, the supporter of the Duke of Lauderdale, and the apologist of all the judicial tyranny of the reign of Charles II. *Sir George Mackenzie*, in his criminal law, title ART and PART, lays it down, that the crime which is laid as the principal crime is that, alone, to which the evidence, under the charge of accessory, can apply. But, Sir, it seems, as it were, an insult upon common sense, to have recourse to legal authority to inforce this argument, because it is founded in the invariable and immutable rules of Justice, which must equally pervade the laws of all civilized countries; unless we are to learn now, for the first time, that the very first, and most obvious principles of criminal jurisprudence are no longer to form a part of the system of our penal laws. I assert that the law of Scotland, as well as the law of England, requires, that a person accused should have the crime specially set forth, and the time and place of commitment assigned. The law of England has been in this respect subject to some ridicule, because, though a day must be laid in the indictment, that day need not be adhered to in proof. It is to be remembered, however, that

* *This means the statute referred to above.*

though the day laid may be departed from, still a particular day must be proved; so far precision is required. The law of Scotland may admit of still greater latitude as to time, but even the law of that country does require, that some particular time should be specified. In the indictment against Mr. Muir, the crimes are particularized, the place of committing them is set forth; and it is laid, that they were committed some time within the four months of September, October, November, and December, of the year 1792. The accused then comes to defend himself against the charge of having committed the *specified* crimes, at the *specified* places, and within the *specified* time, when he finds two words, *art* and *part*, introduced into the indictment, under which the Court think it lawful to permit evidence to be given of any act he may have done, or any words he may have used, at any period of his life, in moments of domestic privacy and inadvertence, to be proved by a menial servant who may have listened at the door, or been attending the family in the season of careless conviviality. Is it possible that a doctrine so subversive of justice, tending so directly to mislead the accused in his defence, and to take him so perfectly unprepared, can be the law of any country that calls itself civilized? Or that an act which passed at the very beginning of the seventeenth century, merely to entitle the prosecutor to charge the principal as accessory, without rendering the libel* void in law by a defect of form, should be construed in the end of the eighteenth century to authorize a species of proof, of which the indictment gives no notice? What innocence is safe, what virtue is secure under such a system? The crimes charged are specific; among them there is not a hint of any abuse of the courts of law, yet that fact is given in evidence; a fact equally calculated to prejudice the Jury in their verdict, and the *Judges* in their sentence. For what breast is so armed against prejudice, as not to be affected by an attack upon what they may conceive to be their dignity and justice? The tendency of the fact, therefore, as well as its being no part of the crime charged, is an additional reason against its being admitted in proof. But the fact charged does not fall within the time laid, it relates to another period, and to matter (if it took place at all) quite distinct from that which is the subject of accusation. Sir, if in this extensive and various subject there did not exist another consideration, I should say, that this alone was sufficient to prevent Mr. Muir from being transported to that loathsome seat of crime, desolation, and military despotism.

I now proceed to state the objection respecting the Jury which was impannelled to try Mr. Muir.

It will not be necessary for me to consume any part of the time of the House, by establishing, that challenges to the Jury, for cause, in such a crime as that under consideration, is competent to the accused by the law of Scotland, because the conduct of the court admits the right to its full extent. If it were necessary, or if it should be denied, I am ready to argue it, and to establish it from acts of Parliament, from precedents, and from the authority of Mr. Maclaurin, now a Lord of session, by the title of Lord Dreghorn, a most enlightened and liberal reporter of Scots criminal cases.

When the five first Jurymen were called to pass upon the trial of Mr. Muir, it appears, both from the official copy of the trial, and from the printed trials before me, that Mr. Muir objected to them as Members of an association, called the Goldsmith's-Hall association; and that the So-

* *Vide the words of the statute, sup. p 60, Libel means indictment.*

licitor General answered the objection. From the official copy of the trial it appears, that the objection was repelled. In the printed trial by Creech, the Lord Justice Clerk is made to say, "that it would go to exclude every man who had taken the oaths to Government."

Sir, I have already stated that one of the charges against Mr. Muir was the publishing and disseminating Paine's book. Now, Sir, one of the declared and express purposes for which the Society at Goldsmith's Hall was associated, was to counteract seditious doctrines. Another object was to check and counteract the measures taken to bring about a reform in the representation of the people in Parliament. As far as these objects go, and as far as I have yet stated them, there certainly was nothing in the conduct or opinions of the Members of the association of Goldsmith's Hall, which could have constituted a valid legal objection to their being upon the Jury of Mr. Muir. But, Sir, that association went a step farther, and upon that the objection rests. In the first place, they had offered a reward to any person who should discover the circulators of Paine's works, in order that they might be brought to Justice. So that the Members of that association had actually decided upon the guilt of that particular act with which Mr. Muir was charged, namely, the disseminating and circulating Paine's works. To admit such persons upon his Jury, could be attended with one event only, his necessary and inevitable conviction. It never could be imagined that those who had offered a reward for discovering the person who should circulate that work, in order that he might be brought to Justice, would fail to find him guilty, when they should be called to sit in Justice upon him; for the very terms of their association decided upon the criminality of the work, by an extra-judicial decision that it was libellous. But, Sir, there is still another ground of objection to the Members of the Goldsmith's-Hall association. Mr. Muir, and other gentlemen who belonged to a Society for parliamentary reform, went and signed the association at Goldsmith's Hall. The association struck his name from their book, and in other respects, expressed an opinion of the criminality of the objects of the Society for parliamentary reform. The question, Sir, is not whether those objects were criminal or innocent; but whether the Members of the association had so expressed themselves? If they did so express themselves, I venture to say, that there is not a principle of law, or Justice, upon which it could be pretended, that they were admissible as Jurymen; or, being admitted upon the Jury to try Mr. Muir, a pretence for saying that he had a fair trial. But, Sir, I do not rest on general principles of substantial justice, nor on reasons of analogy to the law of England. I say the case has been solemnly and judicially decided in the law of Scotland. In the year 1635, Lord Balmerino was indicted for this very crime of *Leasing-making*. The trial, though a Scots case, is to be found in Mr. Hargrave's edition of the state trials, Vol. I. p. 470. By the practice of Scotland, when a Peer was to be tried, his Jury consisted partly of noblemen, and partly of men of great landed property. Lord Balmerino objected to Lord Marshall being one of his Jury; alledging that he had used expressions which implied that he considered him (Lord Balmerino) as guilty. It was left to the oath of Lord Marshall. Lord Marshall swore, that he had never used such expressions, and he was permitted to pass upon the Jury. Lord Balmerino made the same objection to Lord Dumfries. It was put to Lord Dumfries' oath. He swore he had never expressed himself as supposed. Lord Dumfries was permitted to pass upon the Jury. The objection was then made to Lord Blantyre. It is alledged against my Lord

Blantyre, "That he cannot be upon *the assize* because he had publicly "reported to *sundry*, that the pannel, in his judgment, was guilty of *the* "*dittay*, and cannot be cleared thereof, which they refer to his Lordship's "oath, who being sworn, said he could not deny that he had spoken such "speeches; *whereupon he was repelled, and ordained to stand aside.*"

Sir, it is impossible, if I had been to invent a case on purpose, that I could have thought of one more precisely calculated to meet every fact and principle for which I contend, on the present occasion. The Members of the Goldsmith's Hall association had, to use the language of 1635, *publicly reported to* SUNDRY, *that Mr. Muir was guilty of the* DITTAY, *and could not be cleared thereof.* For they had resolved and published, that the matter with which he was charged was a crime, and they had assigned it as a reason for striking his name from the association, that he had actually done those things which they had declared generally to be criminal.

Sir, the objection is no personal reflection on the individuals who composed the jury, some of whom I know intimately, and value sincerely. A legal objection never can be a personal reflection in any fair or candid view of it. I insist then, Sir, that, both upon principle and precedent, the objection taken by Mr. Muir to the first five jurymen, ought to have been admitted, and, that not having been admitted, he was not tried pursuant to the rules of law. If the case had happened in this country, he would, upon this ground alone, have been entitled to a new trial; or in those cases, where the form prevents a new trial from taking place, the execution of the sentence would have been suspended, till the legality of the admission had been discussed by all the judges of England. In Scotland the usage does not admit of any such proceeding, or any such relief; so that the only means by which this *mis-trial* can now be remedied, is by the merciful exercise of the prerogative of the crown in alleviating or pardoning the sentence which has been pronounced.

The next point to which I mean to call the attention of the House, is but a word; it relates to the evidence of a person of the name of William Muir, who was called as a witness for the prosecution. He refused from a conscientious or religious scruple to take the oath, upon which he was committed to prison, and informed by the Court, as well as by the learned Lord opposite to me, that he must remain there for life, for that they knew of no law by which he could be liberated. Sir, an opinion so preposterous in itself, and so contrary to all sound, legal, and constitutional doctrine, ought to be stated, were it only that it might be reprobated. But I state it, because I conceive it likely to have operated, not only upon that witness, who was afterwards persuaded to give up his scruples, and take the oath, but because other witnesses might be intimidated, and consequently that it is to be considered as a circumstance tending to produce an unfair trial.

The next subject of consideration is, the conduct of the Court, with respect to the evidence of JOHN RUSSEL, who was called as a witness by Mr. Muir, in his defence. By the law and practice of Scotland, every witness, before he is examined *upon the principal matter*, is asked certain preliminary questions, to ascertain the credit that is due to his testimony. One of those questions is meant to discover whether he has received partial council or advice, as to the evidence he is to give. I agree that it is necessary, that the witness should answer the *initial* questions before he is permitted to be examined; that is to say, if he were, contumaciously, to refuse to answer, his testimony could not be received, because he had

resisted what the law requires. Were the present case of this description, I should have nothing to offer to the House upon the testimony of John Russel. The case upon which I have to observe, is of a very different sort. The office copy of the trial states, "It being observed by the "Court that this witness (John Russel) had been guilty of *concealing the* "*truth*, therefore the Justice Clerk and Lords Commissioners of Justi- "ciary ordain him to be carried to prison for *concealing the truth*, there "to remain for three weeks."

The printed trial by Creech, p. 87, 88, states that "*John Russel*, "merchant, on being asked the usual question, if any body had instruct- "ed him what to say? replied, that he had received general instructions "to tell the truth—Being asked, where or from whom? said he could "not recollect—Having produced his citation, it was found to be dated "but four days before; and, as this conversation had happened since "that time, he was told, that he must certainly be able to recollect some "of the particulars: but on his still persisting to say he could mention "nobody's name who had spoke to him on the subject, the Lord Advo- "cate moved that he should withdraw, and observed, that as there ap- "peared evident signs of a desire to conceal the truth in this man, he "hoped their lordships would punish him by ordering him to be com- "mitted to prison.

"*Mr. Muir* was going to say something in behalf of the man; when "the Lord Justice Clerk stopt him by telling him he had nothing to say "in that question; and the court then ordained John Russel to be com- "mitted to prison, there to remain for three weeks, for concealing the "truth upon oath."

From both these accounts, it appears that the witness was not rejected for contumacy, but that he was charged with having *concealed the truth*, in his manner of answering to the preliminary questions. The prevarication, not the contumacy of the witness, was the reason for not examining him, and for committing him to prison.

Upon this state of the case (in which the record confirms the account contained in the printed trial) it is clear upon every principle of justice, and upon every technical rule of Scots law, that the defendant was entitled to the benefit of Russel's testimony; and, therefore, refusing to hear his testimony constitutes a *mis-trial*, in so far as his evidence might have materially affected the verdict of the Jury and the judgement of the court. And here again I must have recourse to the Minister of Lauderdale's oppression, to support and enforce my argument. *Sir George Mackenzie* lays down the distinction between competency and credibility in clear and perspicuous terms, as a distinction well known and recognized in the criminal jurisprudence of Scotland; and indeed it is impossible that the distinction should not exist, wherever law exists, for it is a distinction essential to substantial justice. In the 255th page of his criminal law, that author says, there is one set of objections which go to *the persons of witnesses*, and another set of objections which go *to what they say*; that is, in other words, there are objections to their competency, or to their being admitted at all, and there are objections to their credit, or to the effect which should be given to their testimony. Now, Sir, I maintain that the objection to the testimony of John Russel went to his credit, and not to his competency. Had he refused to speak at all, he might have been rejected for the contumacy of that refusal: but by the very statement of the ground of his commitment, it appears that this was not the case; for he was committed for *concealing the truth*, as appears by the entry in the office copy of the judgement. If I were inclined to argue the question

upon the strict words of the entry on record, there is not, I will venture to say, the shadow of an answer to be given to the objection of rejecting this witness; for *concealment* of the truth is matter that goes merely to the credit of the witness. But I admit (although it does not appear from the record itself) that the *concealment* or *prevarication* took place in the *initial question*; and cannot be applied to the principal matter. But I deny that this makes any difference as to the real merits of the case. At whatever stage of the examination it took place, if it was a concealment of the truth, or prevarication, even amounting to perjury itself; I insist upon it, that it is a question of credibility and not competency. Sir, I see over against me, learned gentlemen, who frequently act in the character of supreme judges. I ask those gentlemen then, whether in dispensing justice they do not consider credibility, as a question of fact; whether when they assume to themselves the right of deciding, as to the *competency* of a witness, they do not with the utmost caution, leave the credit due to the testimony given by a witness, to be decided on by the Jury as matter of fact; and whether they durst venture to dismiss a witness without examination, because he had delivered his testimony in a prevaricating manner, or even in a manner which might require his being commited for perjury, provided there was no objection to his competency? Sir, I know that no person entrusted with judicial authority in a court regulated by the principles of the English law, will venture to accept my challenge, and I am confident that the same rule is equally well established, and ought to be equally well observed in Scotland.

I would ask the same gentlemen, or any others, not only capable of making a legal distinction, but capable of drawing those conclusions which are the result of plain common sense, whether prevarication, or that conduct upon the part of a witness, which leaves the truth or falsehood of what he says, as a matter to be weighed and considered, is not uniformly and invariably a question of credibility, and consequently a question of fact for the jurisdiction of the Jury, and not matter of law for the court? I conclude, therefore, that as the testimony was withheld from the Jury, by the authority of the court, Mr. Muir so far forth has not been tried. The rejected witness might have given important testimony for the defendant; he might have been believed by the Jury, and his testimony might have altered their verdict. It might too have had an influence on the severity of the sentence; but into that I do not now enter. I rest the case upon this, that prevarication goes merely to the credit of the witness and does not affect his competency, a strong hold from which no ingenuity nor talents can move me. This witness having been committed before his evidence was heard, the defendant was mis-tried; and there being no remedy for such a *mis-trial*, by the law of Scotland, I am upon that consideration alone entitled in this place to call upon the justice of the crown, through the medium of the address of the representatives of the people, to avert that punishment, which, I have a right to say, might never have been inflicted, if the testimony of Russel had been given and considered by the Jury.

Sir, the conduct of the court, in rejecting the witness under the circumstances stated, and the principles upon which it is justified, lead to nothing short of depriving the subject of his trial by Jury. For if the court can by its unquestionable authority withdraw from the Jury the power of judging of the credit due to the witness, in the fullest extent, it can shut out from the trying tribunal, that for which it is alone instituted, namely, deciding upon the guilt or innocence of the accused, according to legal and admissible evidence.

Mr. Speaker, I have now ſhewn that there was ſuch error in law, as might have led to a reverſal of the judgement; and ſuch rejection and admiſſion of evidence as ſhould have laid the foundation of a new trial. In going through thoſe two moſt important diviſions of the ſubject, I have done all in my power to preſerve that calm, and if I may uſe the expreſſion, that judicial temper of mind, which ſuch a ſubject as the preſent, in all the views of it, requires. I have made no alluſion to the characters of Judges, whoſe individual characters and legal information I know to be moſt reſpectable. I truſt that I have not ſhewn any tendency to perſonal invective, and the judgements, in the opinion which I entertain of them, do not admit of encomium. I conſider myſelf, in what I have offered to you, to be as much abſtracted from any offenſive perſonal attack upon the Court of Juſticiary, as if I had been arguing, profeſſionally, in a court of law upon a writ of error, to reverſe a judgement, or in ſupport of a rule to obtain a new trial.

In the part of the ſubject which remains, it ſhall, ſtill, be my aim to preſerve the ſame temperate line of diſcuſſion; but I am ready to admit, that it may be more difficult to execute my intention with ſucceſs. Sir, there is ſomething in the nature of the puniſhment impoſed upon theſe unfortunate perſons, by this extraordinary and unprecedented ſentence, which does ſo agitate the feelings, and affect the heart, that I am at a loſs how to open, or, in what manner, to unfold the queſtion of diſcretion; but I muſt now proceed to it, and I hope I ſhall accompliſh the diſcuſſion in ſuch a temper, as is not inconſiſtent with the decorum which is due to a court of juſtice, or the gravity which belongs to the ſubject.

Sir, it has been repeatedly ſaid in this Houſe, as I have had occaſion, in the outſet, to remark, eſpecially by a right honourable gentleman *, high in His Majeſty's ſervice, that the diſcretion which dictated theſe puniſhments was a *ſound diſcretion*.

I am ready to admit, that there is no queſtion in the whole circle of judicial conſideration, in which there is more difficulty than that of determining the juſt meaſure of *diſcretion*, in affixing a puniſhment, where the law has left the degree and meaſure of it in the power of the court. The law undoubtedly holds out principles for legal diſcretion, but it is ſo difficult in many caſes to diſcover a juſt guide for its direction, that I have often been tempted to think, that as it was one of the moſt delicate branches of juriſdiction, both to the feelings of the judge and the intereſt of the public, ſo it would be deſirable, if it were poſſible, to relieve the judges from that duty. In moſt caſes of diſcretionary puniſhment, a different concluſion will be formed of its mildneſs or ſeverity, according to the different frame and ſtructure of the characters and tempers of thoſe who contemplate it. Their opinion about the ſtate of the public mind, their apprehenſion of danger, or confidence in the ſecurity and permanency of the exiſting ſyſtem of things, will produce various concluſions, as to the proper degree of puniſhment for a ſtate offence. Thoſe who are apprehenſive and alarmed, will think one meaſure of puniſhment no more than due; when he who feels little or no alarm, will conſider a much leſs degree of ſeverity to be exceſſive and unjuſt. To find a criterion or guide is a conſideration in ordinary caſes to be looked for in vain; on the preſent occaſion, I truſt, I ſhall ſhew, to the ſatisfaction of the Houſe, that we have obtained this grand DESIDERATUM, and that there was no difficulty ariſing from the want of a juſt criterion to regulate the exerciſe of the diſcretion of the Court of Juſticiary. To judge whether the

* *Mr. Pitt.*

discretion exercised was a *sound discretion*, it is necessary first to consider the nature of the offence, and then to compare it with the precise extent of severity contained in the punishment.

The offence of Mr. Muir and Mr. Palmer is a misdemeanor, and nothing more. Such as in this country would have received the punishment of fine and imprisonment.* The pillory, undoubtedly, is likewise a competent sentence in cases of misdemeanor; but of late years it has seldom been pronounced, and, I believe, it has not been recently executed in the instances, in which it has been pronounced. The offence of Mr. Muir consists, among other things, in publishing the writings of Mr. Paine. Mr. Paine has been convicted as the author of that which Mr. Muir circulated. Were Paine to return to this country, and the Court of King's Bench had to inflict the punishment, for the offence of which he is found guilty, (namely, the being the author or publisher of those books) by the law of England, the sentence must be restricted to fine and imprisonment, and if pillory were to be added by the Court, I am entitled to say (according to the recent practice) that the advisers of His Majesty would take care to prevent the execution of that part of the sentence, by pardoning it, or passing it by. The other parts of the charges against Mr. Muir are of the same nature, namely, publishing libels; and they agree with the charges against Mr. Palmer in one respect, his sole offence being the distribution and circulation of a paper charged as seditious. Instead of fine and imprisonment, which could have been the only judgement pronounced on such offences, in England; the punishment inflicted on these two persons is *transportation*; a punishment adapted and appropriated only to felons and capital offenders. A transportation too the most aggravated in its mode and circumstances, that is to be found in the history of the penal laws of this, or perhaps of any country. Not like that transportation which took place before our separation from America, when there was a short and easy voyage to the place of destination; a cultivated and inhabited country, a free and civilized people, speaking our own language, following pursuits similar to ours, and where servitude might be alleviated by the example of neighbours, and that tenderness and lenity which are the invariable concomitants of civilization, freedom, knowledge, and morality.

Far different is the transportation to Botany Bay. The voyage is long and tedious, and so inconvenient and distressing, independent of the transportation, as to be a much more severe and dreadful punishment, than any which the laws of England would permit to be inflicted for such a crime. Look, Sir, into the Report * upon your table, describing the severities, the hardship, and almost certain death attending that voyage, and you will then be able to judge how far I am guilty of exaggeration. When they have arrived at the place of destination, the contrast with the comparative happiness of an American transportation and servitude, is equally striking. In New Holland there is an inhospitable soil, so barren that no industry can render it productive; where the means of subsistence, depending upon the supplies from hence, are, frequently, so scanty as to threaten the whole establishment with famine, against which the utmost industry of the executive government at home cannot guard. There is *without*, a barbarous and hostile people, of savage manners and unknown language. *Within*, instead of masters whose mild treatment might alleviate the sufferings of those under their power, the Governors are armed with all the severity of military despotism. Instead of companions, whose so-

* *Report of a Committee of the House of Commons on this subject, in 1792.*

ciety might soften the afflictions of slavery and disgrace, they are surrounded by the outcasts of every jail in England, ignorant in mind, abandoned in their morals, and devoid of every quality that belongs to civilized man. Yet this, Sir, is the situation to which WE are to permit men to be sent for a residence, in one case, of *seven*, in another *fourteen* years, more than the computed duration of human life in any situation, and at any period of it; men whose education and habits have been such as to entitle them to be admitted to the most respectable and most learned professions that exists amongst us!

An eloquent and philosophical historian remarks upon the manners and government of the Romans, under the tyranny of the Emperors, that there were two circumstances, which rendered despotism peculiarly dreadful to that people. Comparing them with the absolute governments of the East, he says, in these last, the language afforded no other word for government, but despotism. and the subject, considering that he held his life at the will of the Prince, looked upon the loss of it by the order of the Prince, only as an additional means used by Providence to deprive him of his existence. But the minds of the Romans under the Emperors, he says, was very differently prepared for slavery. The education of Tacitus and Pliny was the same with that of Cato and Cicero; from the study of the Grecian philosophy, they imbibed the highest notions of the dignity of human nature, while they were forced to submit to all the miseries of despotic power. So it is, Sir, with this dreadful and unprecedented punishment; the minds of those, who are the ordinary objects of transportation to Botany Bay, are accustomed only to their fetters and their jail. their imaginations conceive, and their language expresses nothing but immorality and vice, and they consider the abridgement of liberty, or the deprivation of life by the executioner, as natural dispensations of Providence, which they have reason to expect as the consequences of their crimes. But the unfortunate persons, who are the objects of my address to you to-day, educated as men of learning, and bred up in the habits of virtue and religion, had no reason, from any former precedent, or acknowledged power, to expect a fate which is worse than death itself.

Sir, the enlightened historian to whom I have referred, says, there was another leading feature in the Roman oppression, which increased and aggravated its severities. In modern Europe, the division of countries into different kingdoms softens the severities of arbitrary power. The example of one monarch may make an impression upon the mind of another; and if that is not always the case, still the object of his severity may escape from his vengeance, and in another country, find a new fortune adequate to his merits, the freedom of complaint, and perhaps the means of revenge. "But the empire of the Romans filled the world, and when that empire came to be governed by a single man, the world became a secure and dreary prison to his enemies. To resist was fatal; to fly, impossible. Beyond the frontiers, he could discover nothing but the ocean or desert land, inhabited by hostile Barbarians of rude manners and unknown language, by whom he might be seized, discovered, and brought back to an irritated master."

Had these gentlemen been sentenced to transportation, when America was the place of destination, if they had fallen under a master naturally tyrannical, there might have been some relief from the example of those around him; a new situation, adequate to their merits, might have opened to have relieved them from their oppression, and if the system of municipal law wisely checked and prevented the means of revenge, still they would have found in the pursuit of knowledge, and in the society of men o

letters, a refuge and solace from the miseries of their fate. But in the place to which they are now destined, they are to be the subjects of a military despotism, from which they cannot fly, but to the unfathomable ocean, or to desert land inhabited by tribes of barbarians, of rude manners and unknown language, by whom they might be seized and restored to an irritated master, and to the severity of martial law.

Such, Sir, is this aggravated species of transportation; a punishment not only disproportioned to the offence, but harsh and unnecessary, when it is considered with reference to the situation and character of the persons on whom it is pronounced.

Sir, I am not one of those, who think that crimes should be punished differently in the high and low, or that one species of punishment should be appropriated to one rank and condition in society, and another to another. But I conceive it to be a sound and unerring maxim of criminal jurisprudence, to make the prevention of crime the object and end of punishment. In exercising a discretion as to punishment, therefore, a court is bound to consider what will be adequate and effectual to the end of prevention, and never to exceed it. In that view of the subject a sound discretion necessarily includes the consideration of the rank, education, and condition of the party convicted. It is not a sound discretion which has recourse in all cases, without distinction, to the utmost grasp of that which the law may be supposed to permit: for the mind of man shudders at a disproportionate sentence, and feeling no respect for the administration of justice so strained, the hand of authority is weakened and palsied by the act. These principles and that maxim, especially when considered with a reference to the extreme harshness of these judgements, compared with those punishments which should have been the guide to its discretion, might have served to moderate the conduct of the court.

Sir, there were guides at hand, to which I think the judges were bound to have had recourse, as to sound and unerring rules of judgement.

In the first place, they might have looked at home, and referred to similar cases in the law of Scotland, in times when the memory of the act of 1703, was fresh in men's minds, in cases where the crimes punished were *Leasing-making*; and of that aggravated sort which insulted the Prince upon the throne, attacked the succession of the House of Brunswick, with a foreign enemy at our door, and a rebellion just ready to break out, or but recently quelled. They would then have found that the only punishments inflicted were fine and imprisonment.

If they had not chosen to follow the example of their Scots ancestors, they might have referred to the mild but sufficient laws of England for their guide. There was every reason for following what the practice of England pointed out. In the first place, the legislature of both countries in an article of union, formally stipulated and agreed, * had expressed a clear opinion, that it would be wise to have matters of public law and police put upon the same footing in both countries. Where judicial discretion leaves much in the power of the judge, nobody can doubt that the court would have acted a wise and justifiable part, if in its judicial discretion it had leaned to that which the wisdom of our ancestors pointed out as wise and politic, for legislative regulation: especially when one branch of the law, respecting public crimes, or offences against the State or Government (I mean the laws respecting treason) had been rendered the same in both countries, by a British statute extending the English law of treason to Scotland. Sir, there was besides this, another

* *Eighteenth Article of Union.*

clear and solid principle, to dictate and suggest the analogy of the English laws, namely, that when subjects are bound by the same allegiance to the same Prince and State, the rules of law which regulate that allegiance, and punish breaches of it, should be the same. That which aplies to the higher, applies equally to the lower order of state crimes. Scotland is bound by the same moral and political duties, with regard to the safety of the Constitution, and the welfare of society, as England.—There is no duty which a person residing in England owes to his Prince, which a person in Scotland does not equally owe to him; and he owes no other. Their duties are the same with regard to the legislature, for we live under the same legislative power. Every breach of duty by the one is equally a breach of duty by the other. I have always been of opinion, therefore, that the laws should be assimilated and made conformable in the lesser *state offences*, as well as in treason. But if the legislature has not done so, still it would have been a just and sound guide for a judicial discretion to have referred to the punishment of such crimes in England; as it is evident that what would secure the state in one country, was likely to do so in the other: every obligation of political morality being virtually and mutually the same. With that index to point the way, how different ought the sentences to have been in these cases!

But if neither the example of Scots judicatures in former and similar cases, nor the daily practice of England, were thought fit and suitable guides for the discretion of the judges, still there remained another, by the analogy of which they might have been regulated. They might have had recourse to the example of the British legislature, in cases that were not supposed to fall within the ordinary course of the common or statute law; they would there have found, among many others, the case of Bishop Atterbury. They would have seen that * a horrid conspiracy had been entered into against the reigning King, and that the Bishop of Rochester, notwithstanding the many solemn assurances, by him given, of faith and allegiance, had been deeply concerned in forming and directing the said wicked detestable conspiracy, to procure a foreign force to invade and depose the reigning King, and overturn the Constitution. For that crime, the act of attainder inflicts upon him the sentence of banishment (that is, expulsion from the realm) and he accordingly went to France. They might have compared the crime of Mr. Muir and Mr. Palmer with that of the Bishop of Rochester. Whatever heinousness, alarm, and apprehension may have attached to the former, there is nothing either in its nature, or in the character of the times, that raises it near to the pitch of the latter. Such, Sir, are the just guides for the direction of the court, but they were all rejected, and instead of them, recourse was had to the law of Rome under the dominion of the emperors, as a suitable and fit analogy for a criminal court in a free country. Sir, I quote, again, from the authority of Creech's account of the trial.* A learned judge in giving judgement says (and the authenticity of my quotation cannot be doubted, for the editor gives the Latin quotations from the Civilians with great accuracy, and they could only flow from the learned judge himself) "If punishment, adequate to the crime of sedition "were to be sought for, it could not be found in our law; now *that*

* *These are the words of the preamble of the act of attainder, and ought to be compared with these indictments, to shew how Atterbury's crime exceeded them in enormity.*

* *Page*, 127.

"*torture* is happily aboliſhed. The ſole object of puniſhment among us
"is only to deter others from committing like crimes in time coming.
"In this view I concur in the tranſportation for fourteen years, *which*
"*is a mild puniſhment*, conſidering the offence, and the danger of the
"times; by the Roman law, which is held to be our common law,
"where there is no ſtatute, the puniſhment was various, and tranſpor-
"tation was among the mildeſt mentioned. Paulus, I. 38. Dig. de
"Pœnis, writes, Actores Seditionis & tumultus populo concitato, pro
"qualitate dignitatis, aut in fuacam tolluntur, aut beſtiis objiciuntur,
"aut *in inſulam deportanter*. We have choſen the mildeſt of theſe pu-
"niſhments."

The court then rejected the judgements of their anceſtors in 1715.— They rejected the mild, equitable, but efficacious law of England. They rejected the diſpenſations of the legiſlature, as in the caſe of Atterbury; and inſtead of theſe rational and conſtitutional guides, ſuggeſted and enforced by being the laws of a free people, and tending to unite and keep in uniformity that ſyſtem of obedience due by two nations, now united in one, bound by one allegiance, and obeying one legiſlature, they have had recourſe to the tyranny of Rome, under the cruel and abſolute dominion of Nero, Caligula, and Domitian; when, according to the ſublime language of Gibbon, "The Empire of the Romans "filled the world, and being governed by a ſingle man, the world be- "came a ſecure but dreary priſon for it inhabitants."

Such, Sir, I am ſorry to ſay, has been the miſtaken conduct of a Britiſh court of juſtice, looking for guides to direct them in the analogy of deſpotiſm and tyranny, where no analogy ought to be looked for; and diſregarding that index which muſt have ſhewn them the right road to the true and genuine principles of criminal diſcretion. Such unprecedented ſeverity, Sir, it is the bounden duty of the repreſentatives of the people to avert; it would be their duty upon the conſideration of the queſtion of diſcretion alone; but if, in addition, there is doubt as to the legality of the ſentences, and reaſon to think there was a *miſ-trial*, there cannot be a difference of opinion about our duty and our conduct in this place.

Sir, I am at a loſs to conceive what arguments can be brought to maintain a concluſion contrary to that for which I contend; for ſuch a concluſion is as injurious to England, as it is diſgraceful to Scotland. How can this part of the iſland be governed, if in the northern part of it the puniſhment for the ſame offence is ſo far to exceed all meaſure of ſeverity known here? It muſt either be admitted, that the laws of Scotland are cruel and tyrannical, or thoſe of England weak and inefficacious. Sir, if this ſyſtem is perſevered in, I ſhall not be without ſuſpicion that it is intended, though it dare not be avowed, to introduce the rigours of tranſportation for ſtate miſdemeanors into the laws of the country.

Sir, I have now cloſed this grave, important, and intereſting ſubject. I have ſhewn the legality of the ſentences againſt Mr. Muir and Mr. Palmer to be queſtionable; becauſe the law does not authoriſe the puniſhment of tranſportation for ſuch offences as they are charged with, in any view of the queſtion. I have ſhewn, that in the caſe of Mr. Muir there was a *miſ-trial*, by the admiſſion of objectionable jurymen, by the rejection of legal, and the admiſſion of illegal, evidence. But even if there was no doubt as to the *legality* or *miſ-trial*, ſtill I have ſhewn, that there has been an unſound and exceſſive exerciſe of the diſcretionary powers of the court, in adjudging theſe unprecedented puniſhments. Having done theſe things, I have cloſed my caſe.

Sir, I am very apprehenſive that I have greatly fatigued your attention, and that of the Houſe, but my apology muſt be, that the ſubject in every view of it called for a full examination. Sir, I ſhould certainly conclude here, returning my moſt ſincere and grateful thanks to you, and to the whole Houſe, for the profound attention with which I have been honoured throughout ſo long and intricate a queſtion, were it not that I owe it to myſelf, ſhortly, to explain the motives which have perſuaded me to lay this moſt momentous ſubject before you.

As a profeſſional man, I cannot wiſh it to be ſuppoſed that I have any over-weening diſpoſition to bring the conduct of Judges into public diſcuſſion. As a Scotſman, I have no deſire to hold out to public diſapprobation the errors of that part of the country to which I belong, and to which I am moſt ſincerely attached.

Sir, I have not been led to make theſe motions from the hope of profeſſional advancement. For though what I have ſaid on the preſent occaſion does not, in any reſpect, relate to the courts in which my practice lies, yet, what I do upon this occaſion, may be ſuppoſed to imply a general readineſs to queſtion judicial authority.

Sir, I have not been led to this meaſure from any perſonal diſinclination to the characters of the learned perſons who compoſe the Court of Juſticiary. In that particular, my prejudices are all the other way; and I ſhould be much more happy in an opportunity to praiſe, than I can be in an obligation to blame.

I cannot be influenced on this occaſion by any perſonal partiality for Mr. Muir and Mr. Palmer; I have never ſeen them; I am totally unacquainted with them.

I have not been excited to take this ſtep by an approbation of Paine's doctrines. My ſentiments reſpecting the works of that perſon have been recently and openly declared in this Houſe; and as a reward for my opinion, Mr. Paine has been pleaſed to animadvert, in a publication, upon what I then ſaid, and to place me, to my ſurpriſe, in the company of the two right honourable gentlemen over againſt me.*

Sir, I have not been led to bring this buſineſs before you, from a deſire of promoting a reform in the repreſentation of the people in Parliament. My opinion in oppoſition to ſuch a plan, (notwithſtanding my attachment to the reſpectable friends around me who ſupport it) has been uniformly the ſame. It has been recently, publicly, and ſolemnly declared by me, in this Houſe, to reſt in a firm perſuaſion of the danger and inefficacy of ſuch a meaſure. It was declared by me to be uninfluenced by the ſuppoſed ſpirit of the times, or by accidental circumſtances; and I can venture to ſay, that, as my opinion has been maturely formed, ſo it will not be readily or raſhly altered.

Sir, I have been induced to bring forward theſe queſtions, from a firm and decided conviction that the only means of preſerving good order, and a due reſpect and obedience to government, is to take care that the law is diſpenſed in a ſpirit purely judicial; that the judgements of Courts of Juſtice proceed on legal authority, admiſſible evidence, and ſound diſcretion; and that undue *ſtretches of law, lame or defective probations,* do not lead to exceſſive and unprecedented puniſhments.

Sir, I have been impelled to the agitation of this ſubject by the natural feelings of humanity and compaſſion, and that I may do all that is

* *Mr. Pitt, and Mr. Dundas.*

possible to ward off the public disgrace which invariably accompanies individual oppression.

I have been impelled to it, in order to prevent that greatest evil that can befall the community—the perversion of criminal jurisprudence in state crimes. An evil, which the history of every country, and every age, and above all the history of this island, might have taught us to avoid, as big with mischief. Without having recourse to ancient times, and other nations, from our own history, we may learn this important and impressive lesson, that JUDICIAL SEVERITY and PUBLIC DISCONTENT have never failed to accompany each other. Whether philosophers will consider them as cause and effect, I shall not stop to inquire; that they have been uniformly *co-existent* is enough to rouse a man of common observation to try to check the one, from an honest apprehension of the other.

Sir, I have been induced to bring these judgements under your view, because I am attached to the Constitution of England, as by law established. Because I think the blessings we enjoy under it, are put in serious hazard by the judicial power pressing its authority, in doubtful questions, to the very edge and utmost grasp of its discretion.

Sir, it is not yet too late to prevent the mischief to which these judgements may give rise, and I must think that those who may be inclined to vindicate, to defend, and to excite such sentences, do not well consider the dangers they are about to encounter. "They embrace more "than they can hold; they stir more than they can quiet; they fly to "the end, without consideration of the means and degrees; they try "EXTREME REMEDIES *at first*, and that which doubleth all errors, will "neither acknowledge nor retract them."*

Sir, I ardently and sincerely wish to prevent the consequences of *extreme remedies* and unwise judicial severities; and I wish to accomplish my end in a way equally constitutional as it regards the subject, and respectful as it regards the King. I wish to engage, in this most interesting cause of humanity and justice, the most valuable privilege of the Commons, the right to approach the Throne. I wish to persuade this House, the representatives of the whole nation, to address the Sovereign, calling upon him humbly but earnestly, to interpose his most favoured prerogative in behalf of these unfortunate gentlemen, and thus obtain for them the dispensations of MERCY: *That attribute of Heaven, which blesses him that gives, and those who ask.* In this manner (by availing myself of my situation in this House, to open the only channel for redress, in a case where all legal appeal is precluded) I do all that an individual can do, to prevent the most serious and alarming injury that can happen to the law and the Constitution. In that *spirit*, and with these *impressions*, I humbly move you, Sir,

That there be laid before this House, a copy of such parts of the books of adjournal or criminal records of the Court of Justiciary in Scotland, as contain the libel or indictment, the verdict and judgement, in the case of Thomas Muir, Esq. Younger, of Huntershill, who was tried before the Court of Justiciary at Edinburgh, on the 30th and 31st days of August, 1793.

* *Lord Bacon.*

Heads of Mr. DUNDAS's *Speech, on the Finances of the* EAST-INDIA COMPANY, *4th April* 1794.

THE particular object for which I last year moved for a variety of accounts relative to the revenues and charges of the British territories in India, and to the state of the East-India Company's trade, being preparatory to a general arrangement in which the respective interests of the Public and the Company were to be adjusted, it became necessary for me to extend my observations to the situation of the Company's affairs in general, and to the estimates laid before the Committee, to shew what annual surplus might be expected to result from the whole of the revenues and trade, applicable to the benefit of the proprietors of India stock, and of the Public. On that investigation, the pecuniary arrangements in the act passed last session for the renewal of the Company's charter were founded; and I have the satisfaction now to reflect, that every statement which has since been brought under my consideration, has justified the expectations I entertained from the measures I then recommended to the adoption of Parliament.

In bringing before the Committee the state of the East-India Company's affairs, I have usually confined my remarks to the receipts, expences, and debts, at the several presidencies in India; but the arrangement made last year, by which the Public are to participate in the surplus arising both from the revenues and trade, renders it necessary for me to examine equally the situation of their affairs at home and abroad. I shall therefore briefly state, as far as the accounts enable me, the actual receipt and charges of the settlement in India for the last year, ending in April 1793, compared with the estimates made thereof by the respective Governments, and also with the estimates laid before the Committee last session, on which the resolutions then agreed to by this House were founded. In like manner, I shall state the accounts of the receipts and charges at home, together with the amount of debts owing by, and value of assets belonging to the Company, and afterwards bring the result of the whole in one general point of view. This method I mean to follow on every occasion so long as it shall be my duty to bring the state of the Company's affairs under the consideration of Parliament. For having recommended a system which has been adopted by Parliament; and having founded that system upon statements which were then laid before this House, I think it my duty to take every opportunity of giving the Committee the means of examining how far events have justified the expectations which I have held out to them.

First; As to the revenues and charges of the territories in India.

BENGAL.

THE accounts from this presidency are not so complete for the year 1792-3, as they used to be on former occasions. We have only an abstract of the receipts and disbursements for that year, and an abstract of the estimate for the following year, as they were sent by a foreign ship. The Government there expect-

ed that the Swallow Packet would, after the capture of Pondicherry, have been returned to Bengal, to take on board the several statements and general books; but as this vessel came immediately from Madras, those accounts have probably been put on board some other ship which is not arrived. When those statements, in detail, shall be received, some small corrections will probably be found wanting in the third columns of the account No. 1 and 2 *, but not such as materially to affect the general result.

	Cur. Rupees	Pounds Sterl.
According to the account, No. 1, the average receipts of the Bengal Government for three years, 1790-1, to 1792-3, inclusive, amounted to — —	5,31,34,898	5,313,490
On the average of three years, 1787-8 to 1789-90, previous to the late war in the Carnatic, as stated last year, they amounted to	5,45,41,067	5,454,107
The difference ———	14,06,169	140,617

arises from the land revenues having produced less in the two former years of the latter period, in consequence of a drought prevailing in some of the districts, and from the new and important system which has been recently adopted with regard to the future management of those revenues, and from the receipts from the sales of salt having been lower than they were in the former period, and less than they are likely to be in future.

As considerable expences were incurred at Bengal, in consequence of the war in 1790-1 and 1791-2, an average of the charges for those three years would not answer any useful purpose towards ascertaining the expences of that Government in time of peace.

The next account, therefore, for consideration is No. 3, being a comparison of the estimated and actual amount of the revenues and charges of this Government in 1792-3; according to which, the revenues were estimated at

	Cur. Rupees	Pounds Sterl.
mated at — — —	5,10,49,203	5,104,920
And the amount actually collected was	5,52,69,339	5,526,933
The excess — —	42,20,136	422,013

arises from the estimate having been formed on

* *As all the capital sums are given in the course of the Speech itself, so as to render the whole sufficiently intelligible to the reader, it was deemed unnecessary to insert the particular accounts which are so often referred to, and which, for the sake of accuracy, are generally subjoined to the official copy of the speech.*

	Cur. Rup.	Pounds Sterl.
the receipts from the land revenues and sales of salt of the preceding year, which fell short of their amount in former years; and of the amount which, there is every probability, will be realized from those articles in future years.		
The land revenues, including Benares, exceeded the estimated collections by —	23,31,744	233,174
And the sales of salt were more than estimated by ——— —	15,04,790	150,57[illegible]
The opium produced also 24,115l. more than was estimated, and all the other articles, it may be observed, exceeded the estimate; but the difference is not such as to require any particular explanation.		
The charges for this year were estimated at	3,04,23,677	3,042,367
The amount, as far as can be ascertained from the present accounts, was —	2,95,60,684	2,956,068
So that the actual amount was *less* than estimated by ——— —	8,62,993	86,299
The greatest difference is in the military charges, which were below the estimate	12,27,527	122,573
On the other hand, the charges in the civil department were more by ——— —	3,53,032	35,303
These two articles nearly account for the whole difference. The variations in the other articles, are as small as could be expected in accounts of such magnitude, and, of course, do not require any particular explanation.		
The particulars of the military charges not having been received, I cannot state what articles in that department have been less expensive than estimated. It must, however, afford considerable satisfaction to observe, that the Bengal Government found it practicable to make so considerable a reduction of expence below the amount expected, as it shews the attention paid to the interests of the Company and the Public, in this most important settlement in the East.		
Adding the excess of revenue to the deficiency of charges, the actual account is better than estimated by ——— ———	50,83,129	508,312
The Bengal provinces having produced in this year a nett revenue of ———	2,57,08,655	2,570,865
In the fourth columns of the Accounts 1 and 2, are the estimates of the revenues and charges of this Presidency for 1793-4.		
The revenues are estimated at ———	5,42,38,641	5,423,864
And the charges at ——— —	3,24,52,788	3,245,2[illegible]9
Leaving a nett revenue of —	2,17,85,853	2,178,585

The land revenues are here estimated about two lacks more than the actual collections of

last year; and the revenue from Benares at two lacks less. The receipts from the sale of salt are taken at current rupees 1,04,40,000; but in the letter accompanying those accounts, it is stated, that the sales to September had exceeded that sum by current rupees 2,58,750, and that, on the most moderate computation, the next sale would amount to 11,60,000 more, being an increase of current rupees 14,18,750 above the estimate, and that this excess arises not from an enhanced price, but chiefly from an increased sale, owing to a greater quantity having been manufactured in Bengal, and imported from the Coast. The sales of opium also are taken at three lacks and a half below the amount received in 1792-3.

From these several circumstances, there can be no doubt but that the actual revenues of the Bengal provinces in 1793-4, will exceed the estimate.

MADRAS.

The accounts from this Presidency are on the whole very satisfactory. For, although the drought in the Circars occasioned a considerable defalcation of revenue in the last year, below what was expected; yet, in other instances, the revenues exceeded the estimate, and the charges in general were regulated with a due regard to economy. The result, therefore, on the whole, presents a more favourable statement of the affairs of this Presidency than many I have formerly brought before the Committee.

In stating the revenues and charges of this Government, it has been usual with me, in conformity to the accounts received from Bengal, and laid before this House in 1787, to value the pagoda at four current rupees and a quarter. This rate was, at that period, unfortunately for the Company's interests, justified by the terms on which remittances were made from Bengal to Madras, and indeed this rate was frequently exceeded, bills having been drawn as high as 440 rupees per 100 pagodas. The reverse is happily now the case, the rate of exchange being below four rupees the pagoda; and, previous to the Marquis Cornwallis leaving India, Madras was so far from being in want of aid from Bengal, as to be able to send five lacks of pagodas, or 200,000l.

in ſpecie to that Preſidency. Hence it would be incorrect at this time to take the rate of exchange at 425 rupees per 100 pagodas; I ſhall therefore follow the valuation adopted in the ſtatements laid before this Houſe laſt ſeſſion, in which the pagoda is rated at eight ſhillings, in order to compare the preſent accounts with the general eſtimate then proceeded upon.

The account No. 4 contains the amount of revenues received at this Preſidency for the laſt three years, of which, as uſual, an average would be given if circumſtances remained the ſame; but, as in the latter of thoſe years, the revenues of Arcot, &c. were reſtored to the management of the Nabob, and in the laſt year thoſe of Tanjore to the Rajah, an average would be uſeleſs. The firſt account therefore to be referred to, is No. 6, which is a comparifon of the eſtimated and actual revenues for the year 1792-3.

	Pag. at 8s.	Pounds Sterl.
The revenues were *eſtimated* at —	61,46,889	2,458,756
And the *actual* amount was —	61,90,775	2,476,310
Being more than eſtimated — —	43,886	17,554

But although the exceſs on the whole is ſo ſmall, it will be obſerved, that in many of the reſpective articles, the difference between the eſtimated and actual amount is conſiderable, and requires particular mention.

The aſſumed countries of the Nabob of Arcot, yielded pagodas, 1,82,397 more than was eſtimated to be collected from them; and a ſubſidy of pagodas, 1,36,986 was received from the Rajah of Travancore, which was not ſtated in the eſtimate. But the principal article of encreaſed receipt is in the collections from the Tanjore country. On the ſuppoſition that the country would be reſtored to the Rajah that year, the amount to be received from the collections and ſubſidy, was computed at pagodas 4,85,334; but as the country was not reſtored, the collections, under Britiſh management, produced pagodas 12,41,065, beſides pagodas 30,000 to his creditors.

The charges of collecting theſe revenues, including the amount to be paid to the Rajah per treaty, were pagodas 435,458, leaving a nett ſum of pagodas 8,05,607, received from that country in the year.

This is a ſufficient proof that a ſubſidy of pagodas 3,50,000, and pagodas 50,000 for arrears of Peſhcuſh, (making four lacks, not half the above nett amount,) as ſtated in the general eſtimate of laſt year, is no grievous burden

on the country, and precludes every apprehension of our estimate not being realised in this respect; the moderate sum also charged to the Nabob, both for his subsidy and his creditors, ought to have the same effect.

The land revenues fell short of the estimate, by pagodas 1,14,996. This was owing to the drought and famine in the Circars, by which some districts were so distressed as to require aid, instead of being able to afford revenue. But the greatest deficiency in the receipts below the estimate, was in the amount stipulated to be paid by Tippoo, according to the terms of the treaty; the sum to be received in that year was computed at pagodas 15,06,849, and the amount actually received was pagodas 4,82,054, the difference is pagodas 10,24,795, or 409,918l. less than stated in the estimate. This was, however, only a delay in the period of payment, as the whole of his kists have since been received at Madras.

The Guntoor circar exceeded the estimate, by more than half a lack of pagodas, and the countries ceded by Tippoo Sultan, produced more than was computed, by upwards of a lack of pagodas (40,648l.) For the favourable realization of the revenues of these districts, the public is indebted to the active zeal and integrity of Captain Alexander Read, to whom the settlement of the principal part of them has been entrusted.

	Pag. at 8s.	Pounds Sterl.
The charges of this Presidency for 1792-3, were estimated at —— ——	42,00,716	1,680,286
And they amounted to —— —	49,09,163	1,963,665
The difference is an excess of ——	7,08,447	283,379

Of this the military charges were more than estimated by pagodas 4,44,663, probably owing to the expences of reducing the army at the close of the war with Tippoo. The charges on the assumed revenues and payments to the Rajah, would necessarily be more than the estimate, because the Tanjore country was continued under the Company's management for that year, which it was not supposed would be the case. The excess under this head is pagodas 2,93,507. The civil charges also exceeded the computed amount, but the charges of buildings, and on the revenues and customs were pagodas 1,08,189 less.

On the whole of this account it appears, that by the improved revenues of the Guntoor circar, and the accession of the countries ceded

	Pag. at 8s.	Pounds Sterl.
by Tippoo Sultan, the revenues of this Presidency are at length more than adequate to its expences. The nett revenue in 1792-3 having been — — —	12,81,612	512,645
In this amount, indeed, a sum of pagodas 4,82,054 received from Tippoo Sultan is included, which is not to be considered as an annual resource: but, exclusive of that receipt, the nett revenue was pagodas 7,99,558 or 319,823l.		
In the fourth column of No. 4 is stated the amount estimated to be received in the year 1793-4, at this Presidency, being —	55,80,193	2,232,077
And in No. 5 the charges are computed at	42,53,244	1,701,297
Making a nett revenue of — —	13,26,949	530,780

But it is to be observed, that a sum of pagodas, 10,04,553, estimated to be received from Mysore in the year, is included amongst the receipts, and the nett amount to be paid by the Nabob of Arcot and the Rajah of Tanjore, allowing for the extra charges on the other side of the account, is pagodas 1,55,933 more than their annual subsidies by the late treaty; if these sums (pagodas 11,60,486) be deducted from the amount of receipts, as being an extra resource for that year only, the other revenues exceed the total charges by pagodas 1,66,463, and therefore, allowing for contingencies, we may state, that the revenues of the Presidency of Madras are now adequate to its ordinary expences. And, considering the accession of the territory of Karical and Pondicherry since these statements were made, this estimate will scarcely be controverted. Indeed, as the Circars recover from the late calamity, we have good reason to expect that a surplus revenue may be realized from the territories under this Presidency, applicable to the purchase of an investment of the piece goods of that coast.

BOMBAY.

The accounts from Bombay are very defective: perhaps the difficulty in making a settlement with our new subjects on the Malabar Coast, has retarded their being completed. I am afraid, however, that this cannot be admitted as a satisfactory apology for so much inattention and such repeated inaccuracies as have occurred at this settlement; and

a remedy, corresponding to the disease, must be immediately adopted.

The latest annual accounts from this Presidency are the actual receipts and disbursements for 1791-2, and the estimate for 1792-3, being one year farther back than the statements from the other Presidencies. But as these accounts have not been stated to the House on any former occasion, and as I have no better information to enable me to form a general view of the revenues and charges of all the settlements in India, I think it proper to refer them to the consideration of the Committee.

	Bombay Rup. at 2s. 3d.	Pounds Sterl.
The average revenues of this Presidency for three years, 1789-90, to 1791-2, amounted to Bombay rupees — —	15,30,778	172,212
The revenues for the year 1791-2 were estimated at, as per No. 9 — —	15,84,755	178,285
They amounted to — —	16,46,350	185,214
Being *more* than estimated — —	61,595	6,929
The charges for that year, being a period of war, were estimated at — —	1,20,52,551	1,355,912
They amounted to — —	1,17,53,461	1,322,264
Being *less* than estimated —	2,99,090	33,648
Adding the excess of revenue to the deficiency of charges, the actual result was better than the estimate, by — —	3,60,685	40,577
The latest estimate received from Bombay is for 1792-3, in which the revenues, as per No. 7, are computed to amount to —	21,53,922	242,316
And the charges, as per No. 8, to	60,58,395	681,569
Excess of estimated charges — Rupees	39,04,473	439,253

BENCOOLEN and PINANG, &c.

In order to complete the accounts of the revenues and charges of all the settlements in India, I have usually stated the small revenues collected at Bencoolen separately, and also the expences defrayed from Bengal for the support of that presidency, and of the settlement lately formed on the island of Pinang, to which I must now add an establishment lately formed at the Andaman islands.

The average revenues of Bencoolen for three years, No. 10. a, amounted to Dollars	17,738	£. 4,434
The supplies to Bencoolen and Pinang from Bengal for 1792-3, were estimated at CRs	6,80,000	£. 68,000
And the amount actually supplied, No 18, was — —	6,20,927	62,093
Supplies less than estimated — CRs	59,073	£. 5,907
But besides the above, the Supplies to the islands of Andaman and St. Helena amounted to — — CRs	1,20,917	12,091
The supplies to all the above settlements for 1793-4, are estimated, in No. 11, at CRs	7,70,000	£. 77,000

GENERAL VIEW.

According to these statements, the revenues and charges of the several settlements in India, taken in a collective point of view, were in the year 1792-3, as follow :

REVENUES.

At Bengal by No. 3.	CRs	5,52,69,339	£. 5,526,934	
Madras by No. 6.	Pags.	61,90,775	2,476,310	
Bombay by Estimate, No. 7. - -	Rupees	21,53,922	242,316	
				£. 8,245,560

CHARGES.

At Bengal - -	CRs	2,95,60,684	£. 2,956,068	
Madras - -	Pags	49,09,163	1,963,665	
Bombay p. Estimate	Rups	60,58,395	681,569	
				5,601,302
				£. 2,644,258
Supplied from Bengal to Bencoolen, Pinang, Andaman Island and St. Helena, No. 18. — —	CRs	7,41,844		74,184
Excess of revenues above the civil and military charges — —				£. 2,570,074

The other expence which is to be provided for out of the revenues, in preference to the provision of investment, is the interest on the debts in India; the amount of which for the year being deducted from the revenues, the remainder is the nett surplus.

The intereſt upon the debts at Bengal by No. 18. paid in the year CRs 44,85,590	£. 448,559		
At Madras, by No. 19, Pags 2,06,434	82,573		
At Bombay, as ſtated in the account laid before the Houſe laſt year, No. 16. no actual ſtatement for 1792-3 having been received Rups 9,88,863	111,244		
Total intereſt to be deducted —			642,376
Surplus from the territorial revenues —			£. 1,927,698
To this, adding the amount received per No. 15, for the ſale of Import goods and certificates, — CRs		48,98,387	489,839
The total is the ſum applicable to the purchaſe of inveſtment, payment of commercial charges, liquidation of debts, &c. which by theſe accounts amounted, in 1792-3, to — —			£. 2,417,537

A part of this ſum, however, I muſt obſerve, to the amount of 192,821l. was received in the year from Tippoo Sultan, and a very large collection was made from Tanjore, which country is now reſtored to the Rajah; but the expences of managing this country, on the other hand, conſiderably increaſed the charges. In order to make an ample allowance for theſe articles, as not being of a permanent nature, I ſhall deduct the 417,537l., and conſider the ſurplus ariſing from the permanent reſources of the territories in India, including the ſales of imports, and the amount of certificates, at two millions ſterling. This ſurplus, after allowing an adequate amount for the proviſion of inveſtment and the payment of commercial charges, would afford a conſiderable ſum to be applied to the reduction of the debts in India.

In the obſervations which I laſt year offered to the Houſe, on the ſtatements reſpecting the future produce of the Britiſh territories in India, I enforced to the conſideration of the Committee, the great moderation with which the eſtimates were formed, and expreſſed my decided opinion that the annual nett revenues would in reality conſiderably exceed the amount there ſtated.

That this was really the caſe in the year 1792-3, appears from the following compariſon of thoſe eſtimates with the actual accounts for that year, as far as they have been received.

GENERAL VIEW of the REVENUES and CHARGES in INDIA, for 1792-3, compared with the average Eſtimate laid before the Houſe in February, 1793.

REVENUES.	Eſtimate in February, 1793.	Actual Amount in 1792-3.	More than the Eſtimate of 1793.	Leſs than the Eſtimate of 1793.
	£.	£.	£.	£.
At Bengal -	5,033,000	5,526,934	493,934	
Madras	1,540,000	2,476,310	936,310	
Bombay	390,625	242,316		148,309
	6,963,625	8,245,560	1,430,244	148,309

REVENUES *more* than in laſt year's Eſtimate - £.1,281,935

CHARGES.	£.	£.	£.	£.
At Bengal -	3,047,000	2,956,068		90,932
Madras	1,600,000	1,963,665	363,665	
Bombay	541,125	681,569	140,444	
	5,188,125	5,601,302	504,109	90,932

CHARGES *more* than in that Eſtimate — £. 413,177

Exceſs of REVENUES above CHARGES, more than in the average eſtimate — — £. 868,758

	£.	£.	£.		
Supplies from Bengal to Bencoolen, &c.	50,000	74,184	24,184	more than in the Eſtimate -	104,637
Intereſt upon Debts -	561,923	642,376	80,453		

NETT REVENUES of 1792-3, more than the average eſtimate 764,121

	£.	£.	£.		
Receipts from the ſale of imports and certificates -	350,000	489,839	139,839	- - -	139,839

Larger ſurplus, applicable to the purchaſe of inveſtment, payment of commercial charges, liquidation of debts, &c. than ſtated in the average eſtimate in February 1793 - - 903,960

The actual ſurplus of this year appears, therefore, to have been 903,960l. more than ſtated in the eſtimate referred to. The obſervations already made reſpecting the ſums received from Tippoo, and the collections from the Tanjore country, equally apply to reduce this difference; making the ſame allowance as before, the actual ſurplus from the permanent reſources of India, will appear to have been about 500,000l. more than ſtated in the eſti-

mate, on which I founded my calculation last year. And that a surplus, nearly equal to this amount, will be realised in future, appears from the estimates for the following year.

ESTIMATES for 1793-4.

In stating the estimates for 1793-4, I am under the same disagreeable predicament with respect to Bombay as before, having only the estimate 1792-3, from that Presidency, to proceed upon; but this I shall prove is much more unfavourable than there is every reason to expect the actual state of the receipts and payments in that year will be found to have been.

GENERAL ABSTRACT of the ESTIMATES, 1793-4.

REVENUES.

At Bengal by No. 1.	CRs	5,42,38,641	£. 5,423,864	
Madras by No 4.	Pags	55,80,193	2,232,077	
Bombay Estimate for 1792-3 - -	Rups	21,53,922	242,316	
				£. 7898,237

CHARGES.

At Bengal by No. 2.	CRs	3,24,52,788	£. 3,245,279	
Madras by No. 5.	Pags	42,53,244	1,701,297	
Bombay Estimate for 1792-3 - -	Rups	60,58,395	681,569	
				5,628,145
				£. 2,270,112

Supplies from Bengal to Bencoolen, Pinang, Andaman Island, and St. Helena, No. 11. current rupees. — — — —	7,70,000	77,000
		2,163,112
Interest upon debts, as per No. 16. - CR being the amount accruing on the debts due by the Company, on the 30th April, 1793, as near as can be ascertained.	51,78,256	517,826
Estimated surplus from the revenues —	—	1,675,286
Estimated sales of imports and certificates, per No. 15. — — — CR	41,54,522	415,452
Total sum applicable to purchase of investment, payment of commercial charges, &c. —	—	2,090,738

In the average estimate on which I proceeded last year, the surplus applicable to the same purposes was computed at — — — — 1,513,577

The eſtimates therefore for 1793-4, are better than that average eſtimate by — — — £. 577,161

But in ſeveral articles we already know, that the eſtimates for 1793-4, as here ſtated, will be exceeded by the actual account. The produce of the ſalt at Bengal, I have already mentioned as likely to be 141,875l. more than the eſtimate for that year. The charges of buildings and fortifications are alſo eſtimated at the large ſum of rupees 11,69,000, which is conſiderably more than will probably be neceſſary to be expended on this article in other years; becauſe, as all works were ſuſpended during the war, a larger ſum was required in the year immediately following it, to make thoſe repairs, &c. which had been omitted in the preceding years. With reſpect to Bombay, I am obliged to adopt the eſtimate for 1792-3, in the ſtatement for 1793-4. But in the former of thoſe years, the army was partly on a war eſtabliſhment, which encreaſed the expences; and the ſettlement of the countries, ceded by Tippoo on that ſide of India, not having been concluded, the real value of them was not known. In the above eſtimate therefore, the expected collections are ſtated at only rupees, 8,73,037 or 98,216l. inſtead of 250,000l. as calculated in the eſtimate laid before this Houſe laſt year. The valuation of theſe countries, given by Tippoo's vackeels, was about 320,000l. per annum, and it appears from the Madras accounts, that the actual revenues of the diſtricts on the Choromandel ſide, have exceeded the amount ſtated in the treaty. But ſince the eſtimate for 1792-3 was formed at Bombay, the Commiſſioners on the Malabar coaſt have made conſiderable progreſs in aſcertaining the value of the ſeveral diſtricts, the reſult of which has turned out ſo favorable, that the Governor and Council have written to the Court of Directors, that the produce is likely to equal the valuation in the treaty; beſides this, we are now in poſſeſſion of the port of Mahé, ſituated in the midſt of thoſe diſtricts, which will add to their value. From theſe circumſtances there can be no doubt of the eſtimate being 100,000l. or perhaps 200,000l. too low in this reſpect.

But though theſe particulars ſhew that the permanent reſources will be greater than ſtated in the above eſtimates, and of courſe encreaſe the ſurplus, I do not mean to ſtate that it will exceed the ſum above-mentioned. For in the Madras eſtimate for 1793-4, a ſum of pago-

das 10,04,553, 401,821l. is stated to be received from Tippoo Sultan, which is only a resource for that year, and which would have occasioned me to state the future surplus so much less, if the circumstances above-mentioned did not prove, that the permanent resources would be so considerably encreased. I therefore compute that, with the aid of 400,000l. from the sale of import goods and certificates, the sums applicable in India to the purchase of investment, payment of commercial charges, liquidation of debts, or supplies to China, will amount to about two millions per annum.

DEBTS IN INDIA.

The early period at which it was necessary to bring forward the accounts last year, prevented my stating the amount of the debts at the close of the preceding year in India, (the 30th April, 1792): The account was, therefore, made up to the period of the latest advices, which was the 31st of January, 1792, at Bengal and Madras, and the 31st October, 1791, at Bombay. On the present occasion, also, I am unable to state the amount of the debts at all the Presidencies on the 30th April, 1793, the period to which the annual accounts are made up; but, as the statement for Bengal is made for the 31st of January, 1793, exactly one year later than the account laid before the House last year, there can be no objection to a comparison being drawn between them. As the war with Tippoo continued some little time after the 31st January, 1792, the debts were in consequence increased, so that on the 30th April, the amount was about 250,000l. more than in the accounts laid before the House last session, and consequently a comparison between the amount then owing, and what was due on 30th April, 1793, would shew a larger reduction of debt in the course of the year, than the present statement will exhibit.

	Cur. Rup.	Pounds sterl.
From the accounts then before the Committee, it appeared that the debts owing by the Company amounted, in January 1792, to	9,08,45,508	9,084,55[illegible]
By the account, No. 16, now on the table, the amount owing, in January 1793, was	7,85,74,049	7,857,405
Decrease of debts in India —	1,22,71,459	1,227,146

The amount remitted home in the year 1792-3, on the terms for transferring the debts, is stated, in No. 17, at CRs	34,58,831		
And in No. 16, it is remarked, that since the close of the Quick Stock account, bills have been drawn on the Court of Directors, in payment of the debts there, which bills form a part of the debts at home on 1st March, and are therefore deducted from the debts in India — CRs	31,36,646		
Deducting these sums —		65,95,477	659,458
The amount of debt, actually liquidated in India, in the year 1792-3, appears to have been — — —		56,75,982	567,598
The debts bearing interest, according to the statement of last year — —		6,93,39,432	6,933,943
By the present account, No. 16 —		6,32,23,287	6,322,329
Decrease of debts bearing interest —		61,16,145	611,614
Annual amount of interest, by last year's account — — —		59,22,097	529,210
By No. 16, the amount is — —		51,78,256	517,826
Decrease of annual interest — —		7,43,841	74,384

In a note at the foot of the account No. 16, it is observed, that the whole of the bond debt at Madras, bearing eight per cent., had been paid off, and that interest thereon had ceased. That promissory notes, at six per cent., were issuing, which bore a premium of two and a quarter per cent., and that if an equal amount to the old bond debt were issued, the saving of interest would be 1,07,006 current rupees. This would reduce the interest, payable in India, to 50,71,250 current rupees, or 507,125l. And as the interest at Bombay is certainly, before this time, reduced from nine and an eighth to eight per cent., the total amount of interest must be now less than 500,000l. per annum. In the estimate laid before the House last year, to shew the annual surplus in future, 561,923l. was allowed for interest, or 61,923l. more than is now payable annually; and consequently the present accounts are so much per annum better than that estimate in this article.

ASSETS.

	Cur. Rupees.	Pounds Sterl.
The value of the assets in India, as stated to the House last year, consisting of cash, bills, goods, and stores, and debts owing to the Company, amounted to ——	7,61,67,983	7,616,798
By the statement, No. 21, the amount of similar articles, per latest quick stocks, was	8,73,37,961	8,733,796
Increase of assets and debts owing to the Company —— ——	1,11,69,978	1,116,998

Of this encrease, the balance of cash actually in the treasuries and pay offices, amounted to CRs 51,29,627, or 512,962l*.

The increase of debts owing to the Company, which form a part of the total of assets, is CRs 96,65,775, or 966,577l. part of which is the amount due from Tippoo Sultan, being, at the valuation here adopted, C Rs 42,69,347, which has since been paid to the Government of Fort St. George. As this encrease of Debts, added to the encrease of cash, would considerably exceed the total encrease, it is evident, that the value of some articles must have been less. The principal article in which this diminution has taken place, is one which we must always wish to see as small as possible. It is the value of goods exported from this country, remaining in the Company's warehouses unsold.

	Cur. Rupees.	Pounds Sterl.
These, in No. 2, of last year's accounts, were valued at ——	47,55,066	475,506
By No. 21, the quantity remaining is valued at only —— ——	17,07,599	170,760
The decrease is ——	30,47,467	304,746

a difference which may be presumed to indicate an encreasing demand for the manufactures of this country.

	Cur. Rupees.	Pounds Sterl.
Adding the encrease of assets in India, as above, to the decrease of debts, by remittances home, or paid off by cash, as before stated —— ——	1,11,69,978	1,116,998
	1,22,71,459	1,227,146

* *Cash in the Treasuries, by No. 2, laid before the House in February* 1793 —— ——	1,37,47,239
* *Ditto, by No.* 21 —— —— ——	1,88,76,866
Increase CRs	51,29,627

	Cur. Rup.	Pounds Sterl.
The State of the Company's affairs at the settlements in India, appears better than in the accounts of last year, by —	2,34,41,437	2,344,144

An improvement to so large an amount in one year, could not have been made, in addition to the sums applied to the purchase of investment, by the resources of that country, even assisted by the amount received, or to be received, under the treaty with Tippoo Sultan. A large supply, must, therefore, have been derived from another source, and that was the Company's Treasury in England. The drains from thence, by bullion exported, and the demands incurred thereon by bills drawn, have, in consequencee, been unusually great, and thrown a temporary burthen on the Company at home, heavier, as I shall hereafter have occasion to observe, than is consistent with their other engagements.

HOME ACCOUNTS.

The accounts of the State of the Company's affairs at home, are No. 23 and 24, and No. 1 and 2, which were yesterday laid before this House. No. 23 is a general account of the receipts and payments made by the Company in the whole of their commercial transactions at home last year, with an estimate of the same for the present year.—Many of these articles, such as money borrowed, debts paid, sums received for goods sold in private trade, and the amount paid to private traders, although necessarily stated to shew the balance of cash at the conclusion of the year, are not connected with the profit or loss on the Company's trade. These articles were, therefore, omitted in the average estimate on which I founded my calculations last year; in order to shew, in a simple point of view, the amount realised at home from the revenues and trade, after paying the ordinary expences: this estimate, I observed, was formed on a very moderate scale, and that there could be no doubt but the actual result would be much more favourable, in time of tranquility, than it appeared in that calculation. In the last year, however, owing to the stagnation of commerce, and other causes, the sales have been below that estimate; the charges of freight, &c. have, of course, been increased by the war.

In the account, No. 2, of thoſe dated 2d April, laid before the Houſe yeſterday, is a compariſon between this eſtimate and the actual amount of the ſales of goods and charges paid thereout in that year.		
The ſales in that eſtimate were ſtated at		£.4,988,300
The actual amount laſt year was - -		4,887,127
Being leſs than that eſtimate - -		101,173
The charges and profit on private trade were taken in the eſtimate, at - - -	70,000	
And actually amounted to - - -	95,840	
More in the actual account - -		25,840
So that the difference on the whole of theſe receipts is only - - -		75,333
It is to be obſerved, that there is alſo a difference in the amount received of Government for intereſt on the annuities; but that ariſes from the circumſtance of the management of the annuities having, in the laſt year, been transferred from Leadenhall Street to the Bank. This difference is - - -		78,074
		153,407
The charges on the other ſide of the account were conſiderably more than ſtated in that eſtimate in the article of freight and demorage; but the bills of exchange paid, were leſs, ſo that taking the account as it ſtands, the exceſs of charges is only, per No. 2, — — — —		104,237
Adding, therefore, the exceſs of charges to the deficiency of receipts, the actual out-turn laſt year was worſe than the general average eſtimate, by — — — —		257,644
This deficiency, below the average ſurplus in the eſtimate, on which the arrangement with the Company was founded, is not ſuch as to have prevented the terms of that arrangement having been completed, if other cauſes had not intervened.		
The ſales of goods, profit on private trade, and intereſt on annuities, amounted to, per No. 2, — — — — — —		5,032,580
And the charges paid, to — — — —		4,083,100
Making a ſurplus of — — — —		949,480
Of this the firſt appropriation by the act of laſt year, was to be towards the diſcharge of debts transferred from India, a ſum of ——		500,000
So that there remained — — — —		449,480

which is only 50,520 less than the amount settled by that arrangement, to be annually paid into His Majesty's Exchequer, for the use of the Public.

But although the amount of the sales and profits on the trade were nearly sufficient to have answered the purposes stated in the late act, the sums received for goods sold, were very deficient. For, owing to the extensive shock which commerce received in the early part of the last year, the sales of East-India goods were greatly reduced, and a part of them was postponed to a later period than usual. Thus the piece goods and raw-silk, which in the ordinary course of the trade, should have been sold in November, and have been paid for before March, were not sold till January and February, and form part of the large amount of 1,372,500l. the value of goods sold, not paid for, including private trade, on the first of March 1794, as stated in No. 24; which sum, it appears from the same number is 640,600l. more than was outstanding on the first of March 1793.

The sales, it has been already stated, amounted to — — —	£.4,887,127
The amount received for goods sold, by No. 23, was — — —	4,389,458
Less received than the amount of sales —	497,669

The Company being therefore obliged to give to the buyers of their goods credit to so large an amount, more than usual, over the first of March, has occasioned them to delay reducing their bond debt to the sum directed by the act of last year; and they rely on the wisdom of Parliament to empower them to continue that debt, 500,000l. above the sum so limited. Indeed, if their other engagements had not interfered, they would have been able to have fulfilled the directions of that act; but by the orders for transferring the debts owing in India home, they were bound to discharge a million annually, if so much became due, which was the case last year; and it accordingly appears by No. 23, that 1,008,637l. was paid on that account. If only 500,000l. of this had been paid, as allotted in the act, the remainder would have borne an interest of five per cent.; and I have no doubt but that Parliament will concur in the propriety of keeping 500,000l. of bonds out at four per cent. in preference to postponing a debt to the same

amount, bearing five per cent. interest. As the bills for transferring these debts are drawn payable a year and a half after date, they must have been drawn long before the arrangements made in the act were in agitation, nor could any information be sent to India, to prevent nearly an equal amount becoming due in the present year; the liquidation of which, I shall propose to the Committee to provide for in a similar manner. It may perhaps be asked if we were not aware of these engagements when the arrangement was formed? Undoubtedly we were; and if the circumstances I have already alluded to, had not occurred to reduce the sales below their expected amount, and to diminish the receipts for the goods sold, these payments would have been provided for by the power given in the act of increasing the bond debt 500,000l. with the consent of the Commissioners for the Affairs of India. Although the estimate, on which I founded my calculations, was formed on so moderate a scale as to be only 100,000l. more than the actual sale amount of goods in the last year, the estimate on which the Directors computed their payments in the year, was formed on the supposition of the sales being much higher; and in this expectation they were warranted, by the increased sales of former years, and the great market opened in new articles from the East, particularly sugar and indigo.

No 1 of the accounts laid before the House yesterday, is a comparison of that estimate with the actual sales.

The sale of goods was estimated at —	£.5,766,000
And amounted to — —	4,887,127
The deficiency is — —	878,873

About half of which is accounted for by the reduction in the prices of piece goods, teas, and raw silk; and the other half is computed to have arisen from a less quantity of tea having been sold, in consequence of prize and private trade teas having interfered with the Company's sales to a greater degree than was estimated, and from a less quantity of coast piece goods having arrived than was expected. The deficiency in this latter article alone, below the estimate, was 400,000l. The war with Tippoo continued until the commencement of 1792, and the advances for the provision of investment were in consequence but small in the preceding year; the famine in the circars

also affected the manufactures there. As the first of these causes no longer exists, and the inhabitants have been relieved from the latter, there is little apprehension of the sales failing, in the present year, from a deficiency of coast goods, and accordingly the amount estimated to be received for goods sold this year, is stated, in No. 23, at — — £.5,426,358

This estimate is formed on the supposition that goods may be sold to the amount of — —	5,364,358
Of which there may remain unpaid, on the first of March 1795 — — — — —	1,078,000
To be received for goods sold in the year — —	4,286,358
Ditto for goods already sold, not paid for — —	1,140,000
Amount estimated to be received — — —	5,426,358

In this estimate, therefore, the sales are stated at only 477,231l. more than the amount of last year, and nearly as large a sum, as remained unpaid in March 1794, is allowed for the amount expected to be unpaid at the close of the current year; but as that stagnation in commerce, which took place in the early part of last year, is now removed, the sales may, probably, this year, be conducted nearly as usual, and not so large a sum remain unpaid in March 1795, as above estimated. And with respect to the sales, the circumstances already mentioned fully warrant the expectation of their exceeding the amount in last year; and that their excess will at least be equal to what is supposed in the present estimate, is proved from the last month's sale, which is just closed: the actual amount of almost every article sold in that month having been more than the estimate; and, in the whole, exceeded it, by the sum of 62,734l.*. This shews that the estimate was formed with a proper degree of caution; and as the commercial credit of the country is recovering from the embarrassments under which it laboured last year, there is every probability that the following sales will be equally, if not more favourable; which justifies the taking the receipts at the amount stated in the estimate.

The charges in the articles of freight, demorage, &c. are stated at a very large sum on account of the war. The exports are also supposed to be 234,641l. more than was com-

* *The estimated amount of sales for the month of March was* 826,358*l.*
The actual ditto — — — — 889,092*l.*

puted upon last year; but as these will either increase the surplus in India, to provide investment, or pay off debts, or render it unnecessary to draw so large an amount of bills from China, this sum cannot be considered as an additional charge not to be returned; but on the contrary affords a strong argument for enabling the Company to extend their credit, until they receive a return for those exports. Besides these articles, it is to be observed, that 972,126l. is estimated to be paid on account of the India debt, or 472,126l. more than directed by the act of last year. In order to provide for the several payments thus becoming due in the year, and to reduce the bond debt to two millions, it is supposed, in the estimate, that 200,000l. must be borrowed, to make the balance of cash on the 1st of March 1795, 230,926l. But this sum is far below what is necessary to be in the Treasury, to answer the commercial purposes of the Company; it would, therefore, be impossible for them to pay off the large sum of India debt, becoming due in the year, without farther aid: and the same policy which made it a wise measure to keep up the bond debt at 2,000,000l. for the purpose of discharging a million of India debt last year, affords a sufficient reason for increasing it farther, in the present year, to accomplish the same purpose.

DEBTS AT HOME.

Having thus stated to the Committee, the amount of the receipts from the East-India trade at home, and charges paid out of it in the last year, I shall next compare the total of debts, owing by the Company at home, and the value of effects belonging to them, as made up to the 1st of March last, with the statements laid before this House last year, in order to shew the variations which have taken place since that period.

The debts owing by the Company in England, including the transferred debt, according to last year's account, exclusive of the capital stock and annuities, amount to — —	7,604,629
Amount of ditto in March last, by the latter part of No. 23 — — — — — —	7,006,500
Decrease of debts — — — — — £.	598,129

after paying 250,000l. to Government in the year, and including 250,000l. more on the same account among the debts.

ASSETS AT HOME, AND AFLOAT OUTWARD.

The aſſets at home, making the account exactly ſimilar to the ſecond part of No. 23, that is, omitting the old claims on Government for French priſoners, &c. ſtruck off by the act, and the annuities transferred to the Bank, amounted laſt year to* — —	£. 9,229,173
By No. 23, the amount is — —	9,888,836
Encreaſed value of effects —	659,663
Adding the decreaſe of debts to the encreaſe of aſſets, the affairs at home appear better by —	£. 1,257,792

CHINA AND St. HELENA.

The expences of the Company, at the Factory of Canton, being merely of a commercial nature, are either included in the invoice of the goods, or form a part of the charges of merchandize at home, and therefore the State of the Company's affairs there is ſufficiently ſhewn by the balance of quick ſtock, being the amount by which the caſh in the treaſury, or advances for the purchaſe of teas, exceed the debts owing to the merchants.

This including the ſmall balance at St. Helena, was laſt year, as per No. 24, in favour of the Company — —	£. 805,955
And by the lateſt advices, per No. 24, —	1,080,881
Increaſe of property at China and St. Helena —	£. 274,926

* *Value of aſſets at home and afloat, firſt March* 1793, *as ſtated laſt year* —		12,665,245
Deduct annuities formerly ſold, and now transferred to the Bank —	2,992,440	
Old claims on Government ſtruck off by the act.	443,632	
		3,436,072
		£. 9,229,173

GENERAL COMPARATIVE VIEW of the COMPANY's DEBTS and ASSETS, in the last Years Accounts, and in the present.

IN a collective point of view, the result of the comparison of the Company's debts and effects abroad and at home, as stated in the last and present year's accounts, is as follows:

Debts *less* and assets *more* in India (Page 20) —		£. 2,344,144
Ditto in China and St. Helena, ——		274,926
Ditto at home —— ——		1,257,792
		£. 3,876,857
But towards this there was raised, by an increase of capital stock, ——	£. 2,000,000	
Besides which, in the last account of stock per computation, there are some corrections made for cargoes arrived from India, since making up the accounts in India, &c.	207,108	
Deducting therefore —— —		2,207,108
The nett improvement in the Company's affairs by reduction of debts, and increase of assets, after paying, or providing for the payment of 500,000l. to the Public, appears to have been — ——		£. 1,669,749

Such, therefore, has been the prosperous state of the East-India Company's finances on the whole, that notwithstanding the defalcation in the sales at home, their affairs appear better by 1,669,749l. in the present accounts, than they did in the statements laid before the House last year; and this after providing for the payment of 500,000l. to Government. A considerable part of this improvement has undoubtedly arisen from temporary resources, particularly the sums received from, or owing by Tippoo Sultan; but independent of that amount, the permanent revenues were more productive than in preceding years. And that those resources will be equally, or indeed more productive in future, there is every reason to expect from the flourishing state of the Company's affairs in India. In whatever point of view their situation is considered the prospect exceeds the most sanguine expectations that could have been formed, when I first brought the annual statements under the consideration of this House. For this state of prosperity, we are greatly indebted to the valour in the field, and wisdom in the Council of the illustrious character just returned from India to receive the thanks of his country; a tribute well earned by his indefatigable exertions to promote its interests.

With respect to the continuance of the present prosperous state of the Company's affairs in the East, there is no doubt of its being permanent, as far as stability in the course of human events can be promised.

All the possessions (the distant islands excepted) belonging to the only European power in that part from whom we could have any apprehen-

fions of danger, have been captured. The alliance which fubfifted between this once formidable rival and our powerful Indian opponent, which has more than once brought our poffeffions in the Carnatic to the brink of ruin, had already been diffolved. And the effectual check which, under the conduct of the Marquis Cornwallis, had been given to the Myforean power, has fince, under the fame aufpices, been followed by the total annihilation of that of the French on the Continent of India. Tippoo, at length defpairing of ever being able to accomplifh his once favourite object of expelling us from the Carnatic, and finding his expectations of affiftance from the natural enemy of Britain fruftrated, is no longer mifled by the machinations of individuals of that nation.— He finds it his true intereft to cultivate our friendfhip, and the firft ftep has been the fulfilment of his engagements to us and our allies. As the victories obtained over this formidable enemy, muft have raifed our military character in the eyes of the Indian powers, fo has our exact adherence to the engagements with them, eftablifhed the opinion of our good faith. Of this a diftinguifhed inftance was given by the noble Marquis, a little before he left that country, which, however great he may be as a warrior, and great as a ftatefman, fheds additional luftre on his judgement for the found policy with which it was dictated. When it was found that the inftalments of the amount to be paid by Tippoo towards the expences of the war, were not delivered to the Mahrattahs and the Nizam with the fame punctuality as to us, his Lordfhip difclaimed the preference. "However acceptable, (faid he) fo large a fum might be to us in the prefent fituation of our affairs, I will not accept of the money while you are in arrears to the Nizam our ally;" and he accordingly ordered that the Company's fhare fhould not be received until the allies were fatisfied. This effectually checked all Tippoo's hopes of exciting diffention between the Company and their allies, and fhewed that they were inflexibly determined that the terms of the treaty fhould be fulfilled; and, in confequence, he has fince compleated his engagements.

It has been hinted alfo, that the countries ceded by Tippoo would not be found of any confiderable value, and that the eftimates given were fallacious and enormoufly exaggerated. The fact, however, has turned out, that the countries, on the Eaftern fide of Tippoo's remaining dominions, have already produced even more than the fums at which they were valued by him. What thofe on the Malabar coaft may produce, we are not yet able to afcertain, not having received the accouuts from Bombay; but a letter from the Governor ftates, that it is probable the revenues will nearly amount to the fum eftimated.

But it has not been only by the brilliancy and value of our conquefts, and by our punctual adherence to the ftipulations with our allies, that the Britifh name has been raifed to its prefent high eftimation in India, during the adminiftration of the Marquis Cornwallis: Equally qualified to direct the operations of Civil Government, as to acquire glory in the field, he has fuggefted and carried into execution a variety of plans for ameliorating the fituation of the numerous inhabitants of thofe provinces; the adoption of which has been naturally followed by the increafing profperity of the country in general.

One of thefe meafures, for its magnitude, deferves particular notice. It had long been under contemplation to form a permanent fettlement with the landholders under the Bengal Government, in order that by knowing the utmoft demand to which their lands would be liable, their

industry might be stimulated to make such improvements as would increase the flourishing state of those provinces. Various opinions were held respecting this plan, and some of those, who were best informed, doubted its success. The opinion of the noble Marquis was decidedly in its favour, and in this he was supported by the Government at home. A settlement was at length concluded with many of the principal landholders for ten years, and the particulars referred home for approbation. On considering the whole of the subject, it appeared likely to give additional efficacy to the plan, if the settlement were declared perpetual.— Orders were accordingly sent from home for that purpose, which were immediately carried into execution. At the same time some internal duties, (the sayer in particular) which were found oppressive to the inhabitants, were abolished. The adoption of these measures occasioned at first a defalcation of the revenues. But this did not excite much alarm; the progress of the settlement was persisted in; and it appears from the papers now on your table, that the revenues in the third year, under this system, have been as productive as the average of any former years gave us reason to expect. With this the prosperity of the country has increased, and with it another source of revenue, the consumption of salt. The receipts from this article may now be stated as likely to amount to about a million sterling per annum. Indeed, in a letter from the Secretary of the Bengal Government, dated 30th September, 1793, lately received, it is stated, that the sale of salt in 1793-4, would amount to one crore two lacks of Sicca rupees, or more than 1,180,000l., and that this arose "not from an enhanced price, but chiefly from an increased sale."

Another measure, which may be considered as the last legacy left by the noble Marquis to the people, on whom he had conferred so many obligations, will, by facilitating the means of obtaining justice to all our subjects, tend to encrease the internal prosperity of the country. This is the establishment of provincial courts, separate from the collectorships. To these courts the lowest ryots may appeal and obtain redress from any oppression of their superiors, whether native or European: whereas formerly they could only apply to the collector, who, in some cases might be a party concerned. As this establishment is attended with an additional expence of rupees 6,11,586, 61,158l. per annum, it must certainly prove to the natives how attentive our Government there is to promote their welfare.

From this general aspect of the British affairs in India, it naturally follows that the confidence of the natives in our Governments should encrease, and that whatever is sanctioned by their authority, or depending on their security, should rise in value. This has happened in an eminent degree. In the course of the war, considerable sums were raised by loan, at twelve per cent. interest. These loans have been paid off, as also a large amount of Bonds at eight per cent. and promissory notes bearing only six per cent. interest, are now issued at Madras at two and a quarter per cent. premium. This reduction of interest will, of course, produce a considerable saving in the annual expenditure, and in that proportion encrease the surplus revenues of the territories in India. It will probably be objected to me that though this is a proof of the high state of the Company's credit, it is no proof of the general prosperity of the country: for it may happen from the declining state of trade, &c. in a country, that no sources are open for the employment of money in a profitable way, and therefore the monied men are content to take whatever they can obtain, as preferring a

ſmall intereſt to none. This however is not the caſe with the Britiſh poſ-ſeſſions in India: the depreciation of intereſt has not been occaſioned by the poverty of the country, but by means which have contributed to encreaſe its proſperity. The countries ceded to us on the Malabar coaſt, afford new ſources of inland and coaſting trade, and the country trade to China, perhaps, now exceeds its amount for many years paſt. But the influx of 6 or 700,000l. in ſpecie ſent out by the Directors, during the war, beſides conſiderable ſums carried out by individuals to purchaſe Company's paper, at a high rate of intereſt, together with upwards of a million received from Tippoo Sultan, amounting in the whole to near two millions imported in to our territories in the ſpace of two years, would form an addition to the capital in ſpecie, which no encreaſe of trade that could be made in ſo ſhort a time, would employ. The encreaſing confidence in the Company's Government, alſo augments the quantity of ſpecie in circulation, as it induces the natives, who, according to their old prejudices, feared to ſhew their wealth, leſt it ſhould ſubject them to greater exactions, now to bring forward their hoards to purchaſe land, or to improve the property they already poſſeſs, and conſequently to encreaſe the general proſperity of the territories in India under our protection.

With reſpect, therefore, to the general ſtate of our affairs in India, they fully anſwer, and, indeed, far exceed the expectations which I held out to the Committee laſt ſeſſion.

The affairs of the Company at home, have undoubtedly been affected by the exiſting circumſtances of the times. This (as the Committee may perhaps recollect) I laſt year ſtated would, to a certain degree, affect the calculations I then ſubmitted to the Committee; but I conceived that they would not experience any material injury from depredations on their trade. But at a time when Government have fitted out ſo large and formidable a fleet, which requires an immenſe ſupply of naval ſtores, thoſe articles muſt be enhanced in price, and the expences of procuring ſeamen muſt be conſiderably increaſed. The charges of freight have, in conſequence, been much greater than they would in a period of peace.

The extenſive ſhock which commercial credit felt at the commencement of laſt year, originating from cauſes already ſufficiently explained to this Houſe, in its conſequences neceſſarily affected the Eaſt-India Company. For though their affairs were not immediately implicated in thoſe cauſes, yet the numerous failures reduced the number of buyers at their ſales, and conſequently, leſſened the competition neceſſary to keep up the prices of their goods to the proper ſtandard. As the prices of Britiſh manufactured goods decreaſed, ſo muſt the value of Eaſt-India articles; for both in a proportionate degree, depend on each other. Hence the ſales in the laſt year were leſs than their expected amount, and the goods ſold at lower prices. The good effects of the plan brought forward laſt ſeſſion, for the relief of commercial credit, have been extenſively felt, and trade has already begun to revive from its ſudden depreſſion. Although one market is neceſſarily ſhut againſt the admiſſion of Britiſh or Eaſt-India goods, others begin to open, and little doubt can be entertained but that the Company's ſales will immediately riſe; and this proſpect has, as I have before obſerved, been already confirmed by the amount of the firſt month's ſale having exceeded the eſtimate by 62,734l.

It may probably be aſked, if the Company's affairs are ſo proſperous abroad, and improving at home, why borrow money, why apply for relief? To this I anſwer that the Company only apply to Parliament for leave

to raise, on their own credit, such sums as shall be requisite to carry on their affairs: an indulgence to which they are fully entitled under the present particular circumstances. When I proposed the arrangement between the Public and the Company, it was certainly foreseen, that the encrease of dividends to the Proprietors, and the payments to Government, would reduce the balance of cash in their Treasury at home, or prevent so large an amount of debts being paid off as was estimated: but it was not foreseen that the shock, which our commerce sustained about that period, would operate to lessen the sales to the extent which took place; nor that it would in consequence be necessary to postpone a part of the sales, so that a larger amount of the goods sold than usual, would remain not paid for at the close of the year. In the annual estimate laid before this House in February 1793, it was computed, according to the large sales estimated to be made from March 1793, to March 1794, that 5,407,900l. would be received in that year for goods sold; but they actually received, as per No. 23, only 4,389,458l.; the difference is 1,018,442l. which I have already explained to arise partly from a falling off in the sales, and partly from the large amount of goods sold not being paid for in the year. A defalcation to this extent must certainly have occasioned considerable embarrassment in fulfilling the Company's engagements, and it was only by the judicious measure adopted last year, of encreasing their Capital, that they were enabled to pay off 1,008,637l. of India debt, and 1,028,475 of Bonds.

While the arrangements, established by the late act, were under discussion, orders were sent out to India, to put a stop to the transfer of debt home, until the terms should be settled, and farther directions given.—These orders, however, could not arrive in time, to prevent bills from being drawn in India, which, with those then already arrived, amount to near two millions, becoming payable in the last and present year. On considering the total amount of the debts owing by the Company, and of the commercial and other property belonging to them last year, it appeared fully sufficient, on renewing the charter for twenty years, to appropriate specifically 500,000l. a year to the liquidation of the India debt; for that sum would be sufficient to reduce the debt as low as it would be prudent to reduce it, in about half that period. As therefore a million became due last year, and nearly the same sum becomes due in the present, the Company could not be in precisely the situation supposed in the act, namely, of being liable only to pay 500,000l. of India debt per annum, unless the arrangement with the Public had been postponed for two years.

But considering the great improvement which had been made in the state of the Company's affairs since the war, which ended in 1783, and how much more valuable the possessions in India were rendered by the successful termination of the war with Tippoo Sultan, I had no hesitation in deciding that the Proprietors, whose capital had stood the risk of any unfavourable turn which their affairs might have taken during that period, had a right to expect an immediate increase of interest on that capital; and that it would not be equitable for the Public to forego their share of participation in the revenues of India for two years, because so large an amount of debt from thence might become payable at home in those years. For, if the ordinary receipts should not be adequate to discharge these debts, together with the other payments, it would only be necessary to increase another species of debt at a lower interest, to pay off the transferred debt; and that is what I now propose to the Committee that the Company should be enabled to do. In doing this, it must be observed, that the directions

of the late act in this reſpect will be ſtrictly complied with, as the debt transferred from India will be paid off equally as much as the bond debt is propoſed to be increaſed in the preſent year. With reſpect to the following year, we know not the amount of bills that will become payable; and, under the preſent circumſtances, it is difficult to determine to what extent the Governments abroad ſhould be authorized to transfer the debts home. While the ſales of goods increaſed ſufficiently to anſwer the demands on the Treaſury at home there could be no doubt of the policy of accepting all offers for transferring the debt from India at a profitable rate of exchange, to any amount, eſpecially as the rate of intereſt was then very low in this country, and very high in India. But now, when the ſales have fallen off, and the intereſt of money has increaſed at home, and decreaſed in India, ſo that the difference is but ſmall, it ſhould ſeem more eligible to pay off the debt in India, than to bring it home in the ſhape of inveſtment, which may lie a conſiderable time in the warehouſe before it is ſold. Some mode of remittance muſt, however, be left for the Company's ſervants in India, to bring their fortunes home, otherwiſe the old complaints of their lending money to foreigners to trade with, will be renewed. For theſe reaſons, I am of opinion that this mode of remittance ſhould never be entirely ſtopped; as nothing could be more injudicious than the old regulations, by which the Company would neither bring home the fortunes of their ſervants themſelves, nor allow thoſe fortunes to be remitted through other channels.

I have before obſerved, that the amount of goods ſold, not paid for, on the firſt of March laſt, exceeded, very conſiderably, the uſual ſum outſtanding, and that the Company did not receive, in the laſt year, ſo much as the ſale of their goods amounted to, by 497,669l. I therefore propoſe, that as they have given this additional credit, over the firſt of March, to the buyers, that an equal credit in bonds ſhall be given to them, in addition to the 1,500,000l. ſtated in the act, and that they ſhall be empowered to continue their bond debt, at its preſent amount of two millions. And as they paid in the laſt year of the India transferred debt — — — £.1,008,637

Beſides 567,598l. which, as before ſtated, appears to have been paid off in India in 1792-3;

And as they eſtimate to pay off the ſame debt in the preſent year, to the amount of ———	972,126
Making together — —	£.1,980,763

Which is 980,763l. more than the 500,000l. per annum, appropriated in the act for the liquidation of this debt, I ſhall therefore propoſe to the Houſe, in conformity to the petition juſt preſented from the Company, that they be enabled, with the conſent of the Commiſſioners for the Affairs of India, to iſſue bonds to the amount of one million more, if it ſhall be neceſſary; making the limit of their bond debt three millions ſterling, and that they be not bound to reduce it again lower than two millions.

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